

EXHIBIT A

Archived: Thursday, February 22, 2024 5:53:07 PM

From: [Zoya Kovalenko](#)

Mail received time: Fri, 6 Oct 2023 17:43:13

Sent: Fri, 6 Oct 2023 22:42:58

To: [Juvinall, Kate](#)

Cc: [Hermle, Lynne C.](#), [Liburt, Joseph C.](#), [Thompson, Mark](#), [Gasek, Jade](#), [Bursik, Helena E.](#)

Subject: Re: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Importance: Normal

Sensitivity: None

Thanks.

From: Juvinall, Kate <kjuvinall@orrick.com>

Date: Friday, October 6, 2023 at 6:41 PM

To: Zoya Kovalenko <zoyavk@outlook.com>

Cc: Hermle, Lynne C. <lchermle@orrick.com>, Liburt, Joseph C. <jliburt@orrick.com>, Thompson, Mark <mthompson@orrick.com>, Gasek, Jade <jgasek@orrick.com>, Bursik, Helena E. <hbursik@orrick.com>

Subject: RE: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Ok by me. Thanks.

From: Zoya Kovalenko <zoyavk@outlook.com>

Sent: Friday, October 6, 2023 3:31 PM

To: Juvinall, Kate <kjuvinall@orrick.com>

Cc: Hermle, Lynne C. <lchermle@orrick.com>; Liburt, Joseph C. <jliburt@orrick.com>; Thompson, Mark <mthompson@orrick.com>; Gasek, Jade <jgasek@orrick.com>; Bursik, Helena E. <hbursik@orrick.com>

Subject: Re: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Kate,

I corrected a typo (screenshot below) in the Civil L.R. 5-1(i)(3) attestation in redline in the attached. This is the only change made to the document that you gave me permission to sign and file on your behalf. Please confirm I may sign and file the attached on your behalf after accepting the redlined change. Thanks.

19	<u>CIVIL LOCAL RULE 5-1(i)(3) ATTESTATION</u>
20	Pursuant to Civil Local Rule 5-1(i)(3), I attest that the other signatory has concurred in
21	the filing of this document.
22	Dated: October 6, 2023
23	<u>/s/ Zoya Kovalenko</u>
24	Zoya Kovalenko (Cal. SBN 338624)
25	13221 Oakland Hills Blvd., Apt. 206
26	Germantown, MD 20874
27	678 559 4682
	zoyavk@outlook.com
	Plaintiff

Best,
Zoya

From: Zoya Kovalenko <zoyavk@outlook.com>
Date: Friday, October 6, 2023 at 5:58 PM
To: Juvinall, Kate <kjuvinall@orrick.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>, Liburt, Joseph C. <jliburt@orrick.com>, Thompson, Mark <mthompson@orrick.com>, Gasek, Jade <jgasek@orrick.com>, Bursik, Helena E. <hbursik@orrick.com>
Subject: Re: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Okay—thanks, Kate.

Best,
Zoya

From: Juvinall, Kate <kjuvinall@orrick.com>
Date: Friday, October 6, 2023 at 5:54 PM
To: Zoya Kovalenko <zoyavk@outlook.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>, Liburt, Joseph C. <jliburt@orrick.com>, Thompson, Mark <mthompson@orrick.com>, Gasek, Jade <jgasek@orrick.com>, Bursik, Helena E. <hbursik@orrick.com>
Subject: RE: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Zoya – this is fine. You can sign on my behalf and file.

Kate

From: Zoya Kovalenko <zoyavk@outlook.com>
Sent: Friday, October 6, 2023 2:44 PM
To: Juvinall, Kate <kjuvinall@orrick.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>; Liburt, Joseph C. <jliburt@orrick.com>; Thompson, Mark <mthompson@orrick.com>; Gasek, Jade <jgasek@orrick.com>; Bursik, Helena E. <hbursik@orrick.com>
Subject: Re: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Kate,

Please see the attached stipulation and let me know if I have your permission to sign and file on your behalf. Thanks.

Best,
Zoya

From: Juvinall, Kate <kjuvinall@orrick.com>
Date: Friday, October 6, 2023 at 2:30 PM
To: Zoya Kovalenko <zoyavk@outlook.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>, Liburt, Joseph C. <jliburt@orrick.com>, Thompson, Mark <mthompson@orrick.com>, Gasek, Jade <jgasek@orrick.com>, Bursik, Helena E. <hbursik@orrick.com>
Subject: RE: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Zoya,

Thanks for confirming that you are not represented by counsel for the purposes of discussing an extension to respond to Kirkland's discovery requests. To be clear, our purpose in raising our ethical obligation under Rule 4.2 – not to speak to you if you're represented by counsel – is not to avoid "agreeing to a simple and reasonable stipulation." As stated in my October 4, 2023 e-mail to you, we are agreeable to a 21-day extension.

You recently made clear in your Amended Complaint and representations to the Court during the CMC on

October 3 that your counsel has not been able to obtain local counsel. Thus, it is unclear if, or when, your counsel intends to appear in this case. We are surprised that your counsel has yet to reach out to us, and we want to ensure that we are following our ethical obligations when communicating with you.

To address the substance of your October 5 email:

- The number of RFPs we issued to you is directly related to the unwieldy 130 page, 372 paragraph Complaint that you filed.
- We fail to see how your unsuccessful search for local counsel has any bearing on you and your retained counsel being able to respond to discovery that we issued two months ago, on August 8, 2023.
- The Court did not “admonish” Kirkland for filing “unnecessary papers” with the Court. During the CMC, the Court stated it assumed that Defendants would be filing another round of motions to dismiss, and simply asked Defendants to streamline the remaining issues. Nothing the Court said shows that the Court believes Defendants’ motions to dismiss were “unnecessary.” In light of the Court’s Order dismissing many claims and parties, your assertion makes no sense.
- Discovery is not stayed while the pleadings remain open, and Judge Gilliam made no specific reference to discovery at all during the CMC on October 3. He did, however, comment that he would like to move the case along. But regardless, we have already agreed to an initial 30-day extension, and now a second 21-day extension. As we have said before, it was your decision to file a Complaint against Defendants, and Kirkland issuing one set of discovery more than 11 months after you filed the Complaint is neither unreasonable nor excessive. Like Judge Gilliam, Kirkland has an interest in moving this case forward and will continue to do so.

We will agree to a 30-day extension to avoid burdening the Court with unnecessary paperwork. We expect to receive responses to Kirkland’s discovery requests on or before November 8, 2023.

Kate

From: Juvinal, Kate
Sent: Friday, October 6, 2023 10:24 AM
To: Zoya Kovalenko <zoyavk@outlook.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>; Liburt, Joseph C. <jliburt@orrick.com>; Thompson, Mark <mthompson@orrick.com>; Gasek, Jade <jgasek@orrick.com>; Bursik, Helena E. <hbursik@orrick.com>
Subject: RE: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Zoya – will respond to the substance of your email below shortly.

From: Zoya Kovalenko <zoyavk@outlook.com>
Sent: Friday, October 6, 2023 5:00 AM
To: Juvinal, Kate <kjuvinall@orrick.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>; Liburt, Joseph C. <jliburt@orrick.com>; Thompson, Mark <mthompson@orrick.com>; Gasek, Jade <jgasek@orrick.com>; Bursik, Helena E. <hbursik@orrick.com>
Subject: Re: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Kate,

Following up on the below. If I do not hear from you soon today, I will be forced to move for an extension and will be sure to emphasize your unreasonableness. You’ve corresponded with me numerous times since I notified you and the Court on the July 27, 2023 hearing before Judge Hixson that I had retained counsel, but you did not care to bring up your purported ethical concerns when you were serving me with discovery or seeking an extension for Defendants. However, now that I am seeking an extension, your alleged ethical concerns become a major impediment to agreeing to a simple and reasonable stipulation. This is unnecessary and is the type of conduct I had hoped you had graduated from. To reiterate, please let me know early

today EST whether you agree to the 30-day extension. Thanks.

Best,
Zoya

Zoya Kovalenko
JD, Emory Law School
BS, Applied Mathematics, Georgia Tech
678 559 4682
zoyavk@outlook.com

From: Zoya Kovalenko <zoyavk@outlook.com>
Date: Thursday, October 5, 2023 at 9:26 PM
To: Juvinall, Kate <kjuvinall@orrick.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>, Liburt, Joseph C. <jliburt@orrick.com>, Thompson, Mark <mthompson@orrick.com>, Gasek, Jade <jgasek@orrick.com>, Bursik, Helena E. <hbursik@orrick.com>
Subject: Re: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Kate,

For the present purpose of negotiating this extension, I am not represented by counsel. Will you agree to the 30-day extension? If so, I will send a stipulation for your review. Thanks.

Best,
Zoya

Zoya Kovalenko
JD, Emory Law School
BS, Applied Mathematics, Georgia Tech
678 559 4682
zoyavk@outlook.com

From: Juvinall, Kate <kjuvinall@orrick.com>
Date: Thursday, October 5, 2023 at 7:54 PM
To: Zoya Kovalenko <zoyavk@outlook.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>, Liburt, Joseph C. <jliburt@orrick.com>, Thompson, Mark <mthompson@orrick.com>, Gasek, Jade <jgasek@orrick.com>, Bursik, Helena E. <hbursik@orrick.com>
Subject: RE: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Zoya,

Unfortunately, CA Rule 4.2(a) applies regardless of whether or not your counsel has made an “official” appearance in the case. We have included the relevant language for you here:

Rule 4.2(a): “In representing a client, a lawyer shall not communicate directly or indirectly about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer.”

Comment 1 further provides that “[t]his rule applies even though the represented person initiates or consents to the communication.”

Thus, if you would like to continue discussing the extension, please confirm that you are not represented by counsel for the present purpose of negotiating the extension. Otherwise, we will need permission from your counsel to continue

speaking with you about your request.

Kate

From: Zoya Kovalenko <zoyavk@outlook.com>

Sent: Thursday, October 5, 2023 10:39 AM

To: Juvinall, Kate <kjuvinall@orrick.com>

Cc: Hermle, Lynne C. <lchermle@orrick.com>; Liburt, Joseph C. <jliburt@orrick.com>; Thompson, Mark <mthompson@orrick.com>; Gasek, Jade <jgasek@orrick.com>; Bursik, Helena E. <hbursik@orrick.com>

Subject: Re: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Kate,

I think a 30-day extension is plenty reasonable considering the upcoming deadline to oppose your motion for leave, the number of RFPs (over 200), and the fact that I am still searching for local counsel. Additionally, it was clear from the case-management conference that the Court is not expecting the parties to push discovery and thought it was premature to even discuss case scheduling given that we are still in the pleading stage. If you are unwilling to stipulate to a reasonable 30-day extension, I will move for relief. Considering the Court admonished Defendants during the CMC for forcing unnecessary papers on the Court, I doubt it would be pleased to have to issue a ruling on an unnecessary motion for this reasonable extension of time.

Please let me know if you agree to the 30-day extension. If so, I will send a stipulation for your review.

As for my counsel's contact information, I currently am the only attorney of record for Plaintiff, so I do not think it is necessary to provide contact information for counsel who has yet to officially represent Plaintiff in the case. When my counsel applies to appear *pro hac vice*, you will receive their contact information.

Thanks.

Best,
Zoya

Zoya Kovalenko
JD, Emory Law School
BS, Applied Mathematics, Georgia Tech
678 559 4682
zoyavk@outlook.com

From: Juvinall, Kate <kjuvinall@orrick.com>

Date: Wednesday, October 4, 2023 at 5:47 PM

To: Zoya Kovalenko <zoyavk@outlook.com>

Cc: Hermle, Lynne C. <lchermle@orrick.com>, Liburt, Joseph C. <jliburt@orrick.com>, Thompson, Mark <mthompson@orrick.com>, Gasek, Jade <jgasek@orrick.com>, Bursik, Helena E. <hbursik@orrick.com>

Subject: RE: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Zoya,

We will agree to an additional 21-days for Plaintiff to respond to Kirkland's discovery requests.

Additionally, because you are now represented by counsel, the Model Rules of Prof. Conduct (section 4.2, specifically) require that we receive permission from your counsel to speak with you without counsel present.

Can you either please have your counsel reach out to us, or send us his/her contact information?

Best,
Kate

From: Zoya Kovalenko <zoyavk@outlook.com>
Sent: Wednesday, October 4, 2023 12:22 PM
To: Juvinall, Kate <kjuvinall@orrick.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>; Liburt, Joseph C. <jliburt@orrick.com>; Thompson, Mark <mthompson@orrick.com>; Gasek, Jade <jgasek@orrick.com>; Bursik, Helena E. <hbursik@orrick.com>
Subject: Re: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Kate,

Per our discussion below, because my counsel still has been unable to retain local counsel and thus has not yet applied to appear PHV in the case, would you please agree to an additional 30-day extension to object/respond to Kirkland's first sets of discovery? If so, I will prepare a stipulation similar to the attached and will send for your review. Thanks in advance.

Best,
Zoya

Zoya Kovalenko
JD, Emory Law School
BS, Applied Mathematics, Georgia Tech
678 559 4682
zoyavk@outlook.com

From: Zoya Kovalenko <zoyavk@outlook.com>
Date: Wednesday, August 30, 2023 at 3:55 PM
To: Juvinall, Kate <kjuvinall@orrick.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>, Liburt, Joseph C. <jliburt@orrick.com>, Thompson, Mark <mthompson@orrick.com>, Gasek, Jade <jgasek@orrick.com>, Bursik, Helena E. <hbursik@orrick.com>
Subject: Re: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Thanks, Kate. I will get this on file.

Best,
Zoya

Zoya Kovalenko
JD, Emory Law School
BS, Applied Mathematics, Georgia Tech
678 559 4682
zoyavk@outlook.com

From: Juvinall, Kate <kjuvinall@orrick.com>
Date: Wednesday, August 30, 2023 at 2:56 PM
To: Zoya Kovalenko <zoyavk@outlook.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>, Liburt, Joseph C. <jliburt@orrick.com>, Thompson, Mark <mthompson@orrick.com>, Gasek, Jade <jgasek@orrick.com>, Bursik, Helena E. <hbursik@orrick.com>
Subject: RE: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Zoya – a couple of small revisions attached. If you are OK with these changes, you can sign on my behalf.

From: Zoya Kovalenko <zoyavk@outlook.com>

Sent: Wednesday, August 30, 2023 11:03 AM

To: Juvinall, Kate <kjuvinall@orrick.com>

Cc: Hermle, Lynne C. <lchermle@orrick.com>; Liburt, Joseph C. <jliburt@orrick.com>; Thompson, Mark <mthompson@orrick.com>; Gasek, Jade <jgasek@orrick.com>; Bursik, Helena E. <hbursik@orrick.com>

Subject: Re: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Kate,

Following up on the below. Please let me know if I have your permission (or permission from another attorney of record on your team) to sign and file the stipulation. Thanks.

Best,
Zoya

Zoya Kovalenko
JD, Emory Law School
BS, Applied Mathematics, Georgia Tech
678 559 4682
zoyavk@outlook.com

From: Zoya Kovalenko <zoyavk@outlook.com>

Date: Tuesday, August 29, 2023 at 3:12 PM

To: Juvinall, Kate <kjuvinall@orrick.com>

Cc: Hermle, Lynne C. <lchermle@orrick.com>, Liburt, Joseph C. <jliburt@orrick.com>, Thompson, Mark <mthompson@orrick.com>, Gasek, Jade <jgasek@orrick.com>, Bursik, Helena E. <hbursik@orrick.com>

Subject: Re: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Kate,

Thank you for agreeing to the extensions for Kirkland's first sets of propounded discovery. I have attached a draft stipulation to file with the Court per Civil Local Rule 6-1(a). Please let me know if I have your permission to sign on your behalf and to file. Thanks.

Best,
Zoya

Zoya Kovalenko
JD, Emory Law School
BS, Applied Mathematics, Georgia Tech
678 559 4682
zoyavk@outlook.com

From: Juvinall, Kate <kjuvinall@orrick.com>

Date: Wednesday, August 23, 2023 at 1:47 PM

To: Zoya Kovalenko <zoyavk@outlook.com>

Cc: Hermle, Lynne C. <lchermle@orrick.com>, Liburt, Joseph C. <jliburt@orrick.com>, Thompson, Mark <mthompson@orrick.com>, Gasek, Jade <jgasek@orrick.com>, Bursik, Helena E. <hbursik@orrick.com>

Subject: RE: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Zoya – thanks for the update. Let's do a 30-day extension for now, and we can discuss an additional extension if necessary.

Kate

From: Zoya Kovalenko <zoyavk@outlook.com>
Sent: Wednesday, August 23, 2023 10:07 AM
To: Juvinall, Kate <kjuvinall@orrick.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>; Liburt, Joseph C. <jliburt@orrick.com>; Thompson, Mark <mthompson@orrick.com>; Gasek, Jade <jgasek@orrick.com>; Bursik, Helena E. <hbursik@orrick.com>
Subject: Re: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Kate:

My attorney is still trying to find local counsel. Regarding your earlier offer to discuss an extension of time for objecting and responding to your recent discovery requests, would you agree to a 30- or 45-day extension? Thanks.

Best,
Zoya

Zoya Kovalenko
JD, Emory Law School
BS, Applied Mathematics, Georgia Tech
678 559 4682
zoyavk@outlook.com

From: Juvinall, Kate <kjuvinall@orrick.com>
Date: Tuesday, August 22, 2023 at 2:43 PM
To: zoyavk@outlook.com <zoyavk@outlook.com>
Cc: Hermle, Lynne C. <lchermle@orrick.com>; Liburt, Joseph C. <jliburt@orrick.com>; Thompson, Mark <mthompson@orrick.com>; Gasek, Jade <jgasek@orrick.com>; Bursik, Helena E. <hbursik@orrick.com>
Subject: RE: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Zoya, please feel free to pass this on to your counsel.

It has been almost four weeks since the conference with the Court on subpoena issues. Can you let us know the projected timeline for counsel to come in and for us to proceed with addressing the issues?

Best,
Kate

From: Juvinall, Kate
Sent: Tuesday, August 8, 2023 10:40 AM
To: Bursik, Helena E. <hbursik@orrick.com>; zoyavk@outlook.com
Cc: Gasek, Jade <jgasek@orrick.com>
Subject: RE: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)

Hi Zoya,

Following up on Helena's email, which attached courtesy copies of Defendant Kirkland's first set of Requests for Production and Interrogatories to you, which we also served today by mail. We held off serving these based on your representation to Magistrate Judge Hixson on July 27, 2023 that you had recently retained counsel. However, as of today your counsel has not entered an appearance nor have we received any communications from them. We are, however, more than happy to discuss extension of time to respond if your counsel requests one.

Best,
Kate

From: Bursik, Helena E. <hbursik@orrick.com>
Sent: Tuesday, August 8, 2023 10:08 AM
To: zoyavk@outlook.com
Cc: Juvinall, Kate <kjuvinall@orrick.com>; Gasek, Jade <jgasek@orrick.com>
Subject: Kovalenko v. Kirkland & Ellis LLP et al. (4:22-cv-05990-HSG)


Ms. Kovalenko,

Attached are courtesy copies of the signed Proofs of Service. Hard copies are also being sent to you via U.S. Mail.

Thank you.

Helena Bursik
Executive Assistant, Service Center

Pronouns: she/her/hers

[Orrick](#)
[Silicon Valley](#) 
T +1-650-614-7416
Hours: 8:00 a.m. - 4:30 p.m.
hbursik@orrick.com



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For more information about Orrick, please visit <http://www.orrick.com>.

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e-mail and please delete this message from your system. Thank you in advance for your cooperation.

For more information about Orrick, please visit <http://www.orrick.com>.

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EXHIBIT B

1 Zoya Kovalenko (Cal. SBN 338624)
13221 Oakland Hills Blvd., Apt. 206
2 Germantown, MD 20874
678 559 4682
3 zoyavk@outlook.com

4 Plaintiff Zoya Kovalenko

5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 ZOYA KOVALENKO,

12 Plaintiff,

13 v.

14 KIRKLAND & ELLIS LLP, MICHAEL DE
15 VRIES, MICHAEL W. DEVRIES, P.C.,
16 ADAM ALPER, ADAM R. ALPER, P.C.,
17 AKSHAY DEORAS, AKSHAY S. DEORAS,
P.C., LESLIE SCHMIDT, LESLIE M.
SCHMIDT, P.C., AND MARK FAHEY,

18 Defendants.

Case No.: 4:22-cv-05990-HSG (TSH)

PLAINTIFF'S OBJECTIONS AND
RESPONSES TO DEFENDANT KIRKLAND
& ELLIS LLP'S REQUEST FOR
PRODUCTION OF DOCUMENTS TO
PLAINTIFF, SET ONE

19
20 ASKING PARTY: DEFENDANT KIRKLAND & ELLIS LLP

21 ANSWERING PARTY: PLAINTIFF ZOYA KOVALENKO

22 SET NO.: One

23
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27
28 PL.'s OBJECS. & RESPS. TO KIRKLAND'S
FIRST SET OF REQS. FOR PRODUC.

**PLAINTIFF’S OBJECTIONS AND RESPONSES TO DEFENDANT KIRKLAND &
ELLIS LLP’S REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiff Zoya Kovalenko hereby objects and responds to Defendant Kirkland & Ellis LLP (“Defendant” or “Kirkland”)’s Request [sic] for Production of Documents, Set One (the “Requests”), subject to the objections set forth below. These objections and responses reflect Plaintiff’s current knowledge and the results of Plaintiff’s reasonable investigation, which is ongoing, to date. Plaintiff reserves the right to amend, modify, and/or supplement these responses in the future as may be necessary or appropriate in accordance with at least Federal Rule of Civil Procedure 26(e)(1) and any scheduling order that the Court will enter in this case. Plaintiff reserves all rights to move for a protective order, seek sanctions, and seek any other available relief related to Defendant’s Requests.

PRELIMINARY COMMENTS AND GENERAL OBJECTIONS

Plaintiff objects to the 30-day timeframe set forth in the first paragraph of the requests as contrary to, *inter alia*, the Federal Rules of Civil Procedure, the Civil Local Rules, and any instruction, direction, or order provided by the Court. *See, e.g.*, Fed. R. Civ. P. 34(b)(2); *see also* Fed. R. Civ. P. 29(b); Civil L.R. 6-1(a) Stipulation to Extend Time for Pl. to Object/Respond to Def. Kirkland & Ellis LLP’s First Sets of Interrogs. and Reqs. for Produc. (Oct. 6, 2023), Dkt. No. 100; *see also* Stipulation to Extend Time for Pl. to Object/Respond to Def. Kirkland & Ellis LLP’s First Sets of Interrogs. and Reqs. for Produc. (Aug. 30, 2023), Dkt. No. 93. For example, as this Court noted during its October 3, 2023 case management conference, the Court has not yet entered a scheduling order in this case, so each of Defendant’s Requests and Defendant’s demand for production within 30 days of service (or by the November 8, 2023 stipulated deadline for objections/responses) are premature, overly burdensome, oppressive, and outside the scope of discovery permissible under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 34(b)(2) & 29(b); *see also* Civil L.R. 6-1(a) Stipulation, Dkt. No. 100; *cf.* Stipulated Req. for Order Extending Time

Regarding Defs.’ Mot. Dismiss Am. Compl., Dkt. No. 102, and Order (Oct. 30, 2023), Dkt. No. 106 (granting stipulated request to extend time regarding seventh motion to dismiss). Plaintiff further objects to the 30-day timeframe set forth in the first paragraph of the Requests as not providing sufficient time to produce documents in response to the Requests, or to meet and confer regarding the scope of the Requests, especially given the breadth of the Requests and the tendency of the Requests to be worded “All DOCUMENTS that EVIDENCE.”

Plaintiff objects to the Requests as cumulatively overbroad and oppressive, and as clearly designed to harass, cause annoyance, and further Defendants’ vexatious litigation conduct prohibited by the Federal Rules of Civil Procedure and/or other applicable law or standard(s) of professional conduct. *See, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B); Fed. R. Civ. P. 26(g)(3).

Plaintiff objects to Defendant’s “Definitions” and “Instructions” to the extent that Defendant seeks to impose obligations that go beyond the provisions and requirements of applicable law, including without limitation the Federal Rules of Civil Procedure. *See, e.g.*, Fed. R. Civ. P. 26 & 34.

Plaintiff objects to the definitions of “ANY DEFENDANT” and “DEFENDANTS” and to each Request incorporating either or both of these terms as vague and ambiguous and as overly broad, unduly burdensome, and oppressive to the extent Kirkland purports to have Plaintiff do Kirkland’s work for it and draft intelligible requests referring to all of the parties named as defendants in the action. Plaintiff will interpret “ANY DEFENDANT” and “DEFENDANTS” as Kirkland has defined the terms, i.e., to exclude the professional corporations named as defendants in this action. Plaintiff objects to the definitions of “ANY DEFENDANT” and “DEFENDANTS” and to each Request incorporating either or both of these terms as overly broad, unduly burdensome, and oppressive to the extent it seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Order, Dkt. No. 92; Am. Compl., Dkt. No. 94 (operative

1 complaint). Plaintiff further objects to these definitions and to the definition of “SCHMIDT
2 DEFENDANTS” and to each Request incorporating such terms as overly broad, unduly
3 burdensome, and oppressive because the definitions and any such Requests are vague,
4 ambiguous, and unintelligible by referring to Leslie Schmidt, against whom claims are no longer
5 asserted in the operative complaint due to the Court’s dismissal of claims against her for lack of
6 personal jurisdiction. Am. Compl., Dkt. No. 94; Order, Dkt. No. 92. Plaintiff further objects to
7 the definition of “SCHMIDT DEFENDANTS” and to each Request incorporating the term as
8 overly broad, unduly burdensome, and oppressive to the extent such Request seeks discovery
9 that is privileged, not relevant, not proportional to the needs of the case, or not tied to the claims
10 at issue or to the issues in the litigation.

11 Plaintiff objects to the definition of “ALPER DEFENDANT” and to each Request
12 incorporating such term as overly broad, unduly burdensome, oppressive, vague, ambiguous,
13 and unintelligible because it refers to “Adam Alper, P.C.,” which is not a party to this action and
14 the existence of which is unknown to Plaintiff. Plaintiff further objects to the definition of
15 “ALPER DEFENDANT,” and to each Request incorporating the same, as seeking discovery
16 outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law,
17 because it seeks discovery relating to an entity not named as a party to this action. *See, e.g.*, Fed.
18 R. Civ. P. 26(b)(1). Plaintiff objects to the definition of “ALPER DEFENDANTS” and to each
19 Request incorporating the same as vague and ambiguous and as unduly burdensome and
20 oppressive to the extent it purports to have Plaintiff do Defendant’s work for it and draft
21 intelligible requests referring to parties named in the action, which are known to Plaintiff.
22 Plaintiff will interpret “ALPER DEFENDANTS” as Kirkland has defined the term and as
23 relevant to this action, Fed. R. Civ. P. 26(b)(1), i.e., to include Adam Alper, who is a named
24 defendant in this action, but to exclude any professional corporation named as a defendant in
25 this action because no professional corporation named as a defendant in this action is included
26 in Kirkland’s definition of “ALPER DEFENDANTS,” Compl., Dkt. No. 1; Am. Compl., Dkt.
27 No. 94.

1 Plaintiff objects to the definition of “COMMUNICATION” and to each Request
2 incorporating such term as overly broad, unduly burdensome, and oppressive by seeking
3 discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of
4 the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil
5 Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
6 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff
7 objects to the definition of “COMMUNICATION” and to each Request incorporating such term
8 as overly broad, unduly burdensome, and oppressive because it seeks discovery that is neither
9 relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks
10 discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other
11 applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
12 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff objects to the definition of
13 “COMMUNICATION” as seeking discovery that is outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged
15 and/or otherwise protected, including without limitation by attorney-client privilege,
16 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
17 Plaintiff and/or a third party. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii);
18 Fed. R. Civ. P. 26(b)(3)(A)–(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Evid. 501; *see also* Fed. R.
19 Civ. P. 26(b)(3)–(4). Plaintiff objects to the definition of “COMMUNICATION” and to each
20 Request incorporating such term as overly broad, unduly burdensome, and oppressive to the
21 extent it purports to impose obligations exceeding those imposed by the Federal Rules of Civil
22 Procedure and/or other applicable law (e.g., by court order), for example, to the extent any
23 Request incorporating the term “COMMUNICATION” and/or Instruction No. 2 seek or seeks to
24 prematurely force Plaintiff to produce a privilege log while her reasonable investigation and
25 reasonable search for non-privileged, non-protected, relevant materials responsive to the
26 Requests, to the extent they are non-objectionable, is ongoing, and seeks to impose an obligation
27 to produce a privilege log in advance of or in the absence of any date, deadline, or requirement

1 imposed by applicable law. Instruction No. 2; *see, e.g.*, Fed. R. Civ. P. 34(b)(2)(A)–(B); Fed. R.
2 Civ. P. 26(b)(5). The Court has not yet entered a scheduling order in this case, so Plaintiff
3 objects to this term and to each Request incorporating such term as unduly burdensome and
4 oppressive to the extent it is premature. *See, e.g.*, Fed. R. Civ. P. 26(a)(2)(D). Plaintiff objects
5 to the definition of “COMMUNICATION” and to each Request incorporating such term as
6 overly broad, unduly burdensome, unduly costly, and oppressive to the extent it purports to
7 impose obligations exceeding those imposed by the Federal Rules of Civil Procedure and/or
8 other applicable law, for example to the extent Instruction No. 1 seeks to force Plaintiff to
9 produce duplicates or to otherwise exceed the scope of permissible discovery under the Federal
10 Rules of Civil Procedure with respect to its limitations on electronically stored information.
11 Instruction No. 1; Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ.
12 P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(D) & (E); *see also* Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii).
13 Plaintiff objects to the definition of “COMMUNICATION” and to each Request incorporating
14 the same to the extent it renders the Request duplicative and cumulative of other Requests. *See,*
15 *e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ.
16 P. 26(b)(2)(c)(i) & (iii).

17 Plaintiff objects to the definition of “COMPLAINT” and to each Request incorporating
18 such term as overly broad, unduly burdensome, and oppressive by seeking discovery that is
19 neither relevant to any party’s claim or defense nor proportional to the needs of the case and
20 thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or
21 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ.
22 P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to the
23 definition and to each Request incorporating such term as overly broad, unduly burdensome,
24 and oppressive because it seeks discovery by referencing a non-operative complaint. Plaintiff
25 objects to the definition and to each Request incorporating the same as seeking discovery
26 neither relevant to any party’s claim or defense nor proportional to the needs of the case and
27 thus seeking discovery outside the scope permitted by the Federal Rules of Civil Procedure

1 and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Dkt. Nos. 1, 92, 94, 102.
2 Plaintiff further objects to the definition of “COMPLAINT” and to each Request incorporating
3 such term to the extent the Request seeks or requires a legal conclusion, assessment, or
4 determination, which will be adjudicated only by a judge and/or jury.

5 Plaintiff objects to the definition of “DEORAS DEFENDANTS” and to each Request
6 incorporating the same as overly broad, unduly burdensome, oppressive, vague, ambiguous, and
7 unintelligible because it refers to “Akshay Deoras, P.C.,” which is not a party to this action and
8 the existence of which is unknown to Plaintiff. Plaintiff further objects to the definition of
9 “DEORAS DEFENDANTS,” and to each Request incorporating the same, as seeking discovery
10 outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law,
11 because it seeks discovery relating to an entity not named as a party to this action. *See, e.g.*, Fed.
12 R. Civ. P. 26(b)(1). Plaintiff objects to the definition of “DEORAS DEFENDANTS” and to
13 each Request incorporating the same as vague and ambiguous and as unduly burdensome and
14 oppressive to the extent it purports to have Plaintiff do Defendant’s work for it and draft
15 intelligible requests referring to parties named in the action, which are known to Plaintiff.
16 Plaintiff will interpret “DEORAS DEFENDANTS” as Kirkland has defined the term and as
17 relevant to this action, Fed. R. Civ. P. 26(b)(1), i.e., to include Akshay Deoras, who is a named
18 defendant in this action, but to exclude any professional corporation named as a defendant in
19 this action because no professional corporation named as a defendant in this action is included
20 in Kirkland’s definition of “DEORAS DEFENDANTS,” Compl., Dkt. No. 1; Am. Compl., Dkt.
21 No. 94.

22 Plaintiff objects to the definition of “EVIDENCE” and to each Request incorporating the
23 same as overly broad, unduly burdensome, and oppressive because each such Request seeks
24 discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of
25 the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil
26 Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
27 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff
28

objects to the definition of “EVIDENCE” as seeking discovery that is outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. *See, e.g.*, Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(C)(iii); *see also* Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff objects to the definition of “EVIDENCE” and to each Request incorporating the same to the extent it renders Requests duplicative and cumulative of other Requests. *See, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(c)(i) & (iii). Plaintiff objects to the definition of “EVIDENCE” as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent its use in a Request seeks or purports to seek discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

Plaintiff objects to the definition of “KIRKLAND” and to each Request incorporating such term to the extent it is vague, ambiguous, and unintelligible and as overly broad, unduly burdensome, and oppressive to the extent such Request seeks discovery that is privileged, not relevant, not proportional to the needs of the case.

Plaintiff objects to the definitions of “KOVALENKO,” “YOU,” “YOUR,” and “PLAINTIFF” and to each Request incorporating any such term to the extent “KOVALENKO,” “YOU,” “YOUR,” and “PLAINTIFF” include “any other PERSON representing her or acting on her behalf,” as defined by Kirkland, because the terms “KOVALENKO,” “YOU,” “YOUR,” and “PLAINTIFF” are vague and ambiguous to the extent such terms include “any other PERSON representing her or acting on her behalf.” Plaintiff objects to each Request including

any one or more of the terms “KOVALENKO,” “YOU,” “YOUR,” or “PLAINTIFF” as unduly burdensome, overly broad, and oppressive because such Request is vague, ambiguous, and unintelligible because the term(s) include “any other PERSON representing” Plaintiff “or acting on her behalf.” *See, e.g.,* Fed. R. Civ. P. 26(b)(1). Plaintiff objects to the definitions of and use of the terms of “KOVALENKO,” “YOU,” “YOUR,” and “PLAINTIFF” and to any Request incorporating any one or more of these terms as overly broad, unduly burdensome, and oppressive because each such Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law due to Kirkland’s choice to define such terms to include “any other PERSON representing [Plaintiff] or acting on her behalf.” *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E); *see also* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B); Fed. R. Civ. P. 26(g)(3). To the extent “KOVALENKO,” “YOU,” “YOUR,” and “PLAINTIFF” are defined to include “any other PERSON representing her or acting on her behalf,” Plaintiff objects to such terms and to each Request incorporating any one or more such terms as seeking discovery that is outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff further objects to each such Request as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure to the extent the terms are defined to include “any other PERSON representing her or acting on her behalf” because such Requests seek discovery that is not in Plaintiff’s possession, custody, or control or that can be obtained from some other source that is more convenient, less burdensome, or less expensive. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); 26(b)(2)(B). Plaintiff objects to the definitions of “KOVALENKO,” “YOU,” “YOUR,” and “PLAINTIFF” and to each Request

1 incorporating any such term to the extent such Request would subject Plaintiff or non-parties to
2 annoyance, embarrassment, oppression, or undue burden or expense. *See, e.g.*, Fed. R. Civ. P.
3 26(c)(1) & 26(b)(1).

4 Plaintiff objects to the definitions of “KOVALENKO”, “YOU”, “YOUR” and
5 “PLAINTIFF,” and “PERSON” as overly broad, unduly burdensome, and oppressive and as
6 seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
7 and/or other applicable law to the extent the use of any one or more of the foregoing terms in a
8 Request seeks or purports to seek discovery not limited to the relevant time period regarding the
9 facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ.
10 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
11 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed.
12 R. Civ. P. 26.

13 Plaintiff objects to the definition of “ORDINANCE” and to each Request incorporating
14 the term as unduly burdensome, overly broad, and oppressive, and as seeking discovery outside
15 the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law
16 because the term “ORDINANCE” and its definition is not directly tied to claims at issue in the
17 litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(c); Fed. R. Civ. P. 26(b)(2)(C)(iii); Order,
18 Dkt. No. 92; Am. Compl., Dkt. No. 94. Plaintiff objects to the definition of “ORDINANCE”
19 and to each Request incorporating the term as seeking discovery outside the scope permissible
20 under the Federal Rules of Civil Procedure and/or other applicable law to the extent any such
21 Request seeks discovery not relevant to any party’s claim or defense and as unduly burdensome,
22 overly broad, and oppressive to the extent such Request seeks discovery that is relevant to an
23 asserted claim but such sought discovery is identified by referencing claim(s) that is or are no
24 longer asserted and thus are not at issue in the litigation. Plaintiff objects to the definition and to
25 each Request incorporating such term as overly broad, unduly burdensome, and oppressive
26 because it seeks discovery by referencing a non-operative complaint.

1 Plaintiff objects to the definition of “PERSON” and to each Request incorporating the
 2 term as unduly burdensome, overly broad, and oppressive, and as seeking discovery outside the
 3 scope permissible under the Federal Rules of Civil Procedure and/or other applicable law
 4 because the term “PERSON” and its definition is not directly tied to claims at issue in the
 5 litigation and the relevance of discovery sought by Kirkland and encompassed by its Requests
 6 including or incorporating the term “PERSON” and proportionality of such discovery to claims
 7 at issue is unclear. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(c); Fed. R. Civ. P.
 8 26(b)(2)(C)(iii); Order, Dkt. No. 92; Am. Compl., Dkt. No. 94. Plaintiff objects to the
 9 definition of “PERSON”; to the definitions of “KOVALENKO”, “YOU”, “YOUR” and
 10 “PLAINTIFF,” each of which Kirkland defines to mean “Plaintiff Zoya Kovalenko and any
 11 other PERSON representing her or acting on her behalf”; and to each Request incorporating any
 12 one or more of the terms “PERSON,” “KOVALENKO,” “YOU,” “YOUR,” and/or
 13 “PLAINTIFF” as overly broad, unduly burdensome, and oppressive and as seeking discovery
 14 outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable
 15 law to the extent the use of any one or more of the foregoing terms in a Request seeks or
 16 purports to seek discovery not limited to the relevant time period regarding the facts at issue in
 17 this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
 18 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
 19 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed.
 20 R. Civ. P. 26.

21 Plaintiff objects to the definition of “DOCUMENT(S)” and to each Request
 22 incorporating the term as overly broad, unduly burdensome, and oppressive and as seeking
 23 discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other
 24 applicable law to the extent its use in a Request seeks or purports to seek discovery not limited
 25 to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1);
 26 Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R.
 27 Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P.

26(g)(1)(C); *see generally* Fed. R. Civ. P. 26. Plaintiff objects to the definition of “DOCUMENT(S)” and to each Request incorporating the term as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent the use of the term in any such Request seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g). Plaintiff objects to the definition of “DOCUMENT(S)” and to each Request incorporating the term “DOCUMENT(S)” as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent the use of the term in any such Request seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure. For example, Plaintiff objects to the definition and to each Request incorporating the term as overly broad, unduly burdensome, oppressive, and seeking discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law because subpart (a) of the definition of “DOCUMENT(S)” exceeds the scope of electronically stored information required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to the definition of “DOCUMENT(S)” and to each Request incorporating the term as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent any such Request seeks discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4).

Plaintiff objects to each definition, Instruction, and Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the

1 Federal Rules of Civil Procedure and/or other applicable law to the extent the definitions,
2 Instructions, and/or Requests seek(s) discovery not limited to the relevant time period regarding
3 the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
4 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
5 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed.
6 R. Civ. P. 26.

7 Plaintiff objects to Instruction No. 1 as overly broad, unduly burdensome, and
8 oppressive because it is vague, ambiguous, and unintelligible to the extent it is an instruction
9 and is the first numbered paragraph under a header titled “INSTRUCTIONS” but refers to
10 “[t]his Request” and states “this request is deemed a continuing document request.” Plaintiff
11 objects to Instruction No. 1 as overly broad, unduly burdensome, and oppressive to the extent it
12 seeks discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or
13 other applicable law because it is not temporally limited or tied to the instant litigation and/or
14 any scheduling order to be entered in the same. Plaintiff objects to Instruction No. 1 as overly
15 broad, unduly burdensome, and oppressive to the extent it instructs “after YOUR response and
16 production pursuant to this request, YOU later learn of or otherwise come into
17 possession, custody, or control of additional documents called for by this request, such
18 documents must be produced” and seeks to impose obligations on Plaintiff exceeding or
19 supplementing those prescribed by the Federal Rules of Civil Procedure and/or other applicable
20 law without legal authority to do so and/or to the extent it seeks to impose any obligation on any
21 third party without legal authority to do so. For example, see above objection to definitions of
22 “KOVALENKO,” “YOU,” “YOUR,” and “PLAINTIFF,” which definitions improperly refer to
23 unknown, unidentified third persons in stating “‘KOVALENKO’, ‘YOU’, ‘YOUR’ and
24 ‘PLAINTIFF’ means Plaintiff Zoya Kovalenko and any other PERSON representing her or
25 acting on her behalf.” Plaintiff objects to Instruction No. 1 to the extent it renders Requests
26 overly broad, unduly burdensome, and/or oppressive, for example, to the extent it purports to
27 instruct Plaintiff to produce documents unknown to Plaintiff and/or not in Plaintiff’s possession

1 custody or control (e.g., if documents are known to or in the possession of some unknown third
2 party who has once represented Plaintiff or acted on Plaintiff's behalf at some unknown time.

3 Plaintiff objects to Instruction No. 1 as overly broad, unduly burdensome, and
4 oppressive to the extent it instructs "after YOUR response and production pursuant to this
5 request, YOU later learn of or otherwise come into possession, custody, or control of additional
6 documents called for by this request, such documents must be produced" and seeks to impose
7 obligations on Plaintiff exceeding or supplementing those prescribed by the Federal Rules of
8 Civil Procedure and/or other applicable law without legal authority to do so and/or to the extent
9 it seeks to impose any obligation on any third party without legal authority to do so, for example,
10 to the extent it seeks discovery that is cumulative or duplicative. Plaintiff objects to Instruction
11 No. 1 as overly broad, unduly burdensome, and oppressive to the extent it seeks discovery
12 outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law,
13 e.g., to the extent it seeks discovery of privileged and/or otherwise-protected materials. Plaintiff
14 objects to Instruction No. 1 as overly broad, unduly burdensome, and oppressive to the extent it
15 seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or
16 other applicable law, e.g., to the extent it purports to impose obligations exceeding those
17 imposed by the Federal Rules of Civil Procedure and/or other applicable law. Plaintiff objects
18 to Instruction No. 1 as overly broad, unduly burdensome, and oppressive and as seeking
19 discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other
20 applicable law to the extent Instruction No. 1, as read with any one or more of the Requests,
21 seeks discovery not limited to the relevant time period regarding the facts at issue in this
22 litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i);
23 Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R.
24 Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

25 Plaintiff objects to Instruction No. 2 as vague, ambiguous, oppressive and unduly
26 burdensome to the extent it refers to "protected from disclosure by the attorney-client privilege,
27 work-product doctrine or any other privilege" and purports to conflate protected and privileged

documents and seeks to impose obligations on Plaintiff that exceed obligations prescribed by the Federal Rules of Civil Procedure and/or other applicable law (e.g., by court order), to the extent, for example, Instruction No. 2 seeks to purport to obligate Plaintiff to include on any privilege log documents protected from discovery or disclosure by a protection other than work-product protection, e.g., documents protected by privacy rights, e.g., as to medical records, or other privilege or protection not addressed by or required to be included on a privilege log per the Federal Rules of Civil Procedure. *See, e.g.*, Fed. R. Civ. P. 26(b)(5); Fed. R. Civ. P. 34(b)(5); *see also* Fed. R. Civ. P. 26(b)(4)(D); *cf.* Fed. R. Civ. P. 26(b)(3)(A)–(B); Fed. R. Civ. P. 26(b)(4)(B)–(C). Plaintiff objects to Instruction No. 2 as oppressive and unduly burdensome to the extent it purports to impose obligations on Plaintiff that exceed obligations prescribed by the Federal Rules of Civil Procedure and/or other applicable law (e.g., by court order), to the extent, for example, Instruction No. 2 seeks to prematurely force Plaintiff to produce a privilege log while her reasonable investigation and reasonable search for non-privileged or otherwise protected materials that are relevant and responsive to the Requests, is ongoing. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(A)–(B); Fed. R. Civ. P. 26(b)(5). As the Court noted during its October 3, 2023 case management conference, the Court has not yet entered a scheduling order in this case. Accordingly, Plaintiff objects to this Instruction and to each Request as unduly burdensome and oppressive to the extent they request or require information or production of materials or of a privilege log prematurely or in advance of or in the absence of any date, deadline, or requirement imposed by Federal Rules of Civil Procedure and/or other applicable law, for example by court order (e.g., in a case schedule), or impose obligations exceeding those imposed by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(5)(A); Fed. R. Civ. P. 26(a)(2)(D)–(E); *see also* Fed. R. Civ. P. 26(a)(3); Fed. R. Civ. P. 26(b)(3)–(4). Plaintiff objects to Instruction No. 2 as oppressive and unduly burdensome and as seeking discovery outside the scope permissible under Federal Rule of Civil Procedure 26 to the extent it purports to impose obligations on Plaintiff that exceed obligations prescribed by the Federal Rules of Civil Procedure and/or other applicable law, e.g., to the extent

Instruction No. 2 seeks to force Plaintiff to search for and include on a privilege log materials that are otherwise objectionable on other grounds, e.g., relevance, undue burden, or proportionality to the needs of the case. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); *see generally* Fed. R. Civ. P. 26. Plaintiff will not search for or include on a privilege log materials that are not otherwise discoverable, e.g., due to lack of relevance or of proportionality to the needs of the case. *See* Fed. R. Civ. P. 26(b)(5)(A); Fed. R. Civ. P. 26(b)(1).

Plaintiff objects to Instruction No. 2 as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent Instruction No. 2, as read with any one or more of the Requests, seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

Plaintiff objects to each definition, Instruction, and Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent the Request, when read alone and/or in light of the definitions of any defined terms used therein and/or in light of Instruction No. 1 and/or Instruction No. 2, seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

GENERAL OBJECTIONS

Plaintiff objects to each of Defendant's Requests on the following general grounds:

1. The Request seeks information that is not relevant to any party's claim or defense, is not material, is not reasonably calculated to lead to the discovery of admissible evidence,

1 and/or is not proportional to the needs of the case, considering the importance of the issues at
2 stake in the action, the amount in controversy, the parties' relative access to relevant
3 information, the parties' resources, the importance of the discovery in resolving the issues, and
4 whether the burden or expense of the proposed discovery outweighs its likely benefit.

5 2. The Request is overly broad, oppressive, and/or unduly burdensome.

6 3. The Request seeks the disclosure of protected, private, sensitive, confidential,
7 personal, medical, financial and/or business information or materials concerning Plaintiff, the
8 disclosure of which would violate the privacy of Plaintiff.

9 4. The Request seeks the disclosure of information or materials that concerns
10 individuals or entities other than Plaintiff who are not parties to this action, the disclosure of
11 which would violate the privacy or proprietary interests of such individuals or entities.

12 5. The Request is vague, ambiguous and/or lacks sufficient particularity so that
13 Plaintiff cannot understand what information Defendant is seeking and is unable to formulate a
14 responsive answer.

15 6. The Request seeks the disclosure of information that is protected from disclosure
16 under the attorney-client privilege, the work-product doctrine, and/or any other applicable
17 privilege, protection, statute, rule, regulation, or common-law principle. Inadvertent
18 identification or production of any such information shall not constitute a waiver of any
19 privilege with respect to the subject matter therein and shall not waive the right of Plaintiff to
20 object to the use of any such information during the subsequent proceeding.

21 7. The Request is not reasonably limited in time or seeks the disclosure of
22 information outside the time period relevant to the present litigation.

23 8. The Request exceeds the permissible scope of requests for production as set forth
24 in the Federal Rules of Civil Procedure and/or Civil Local Rules.

25 9. The Request seeks the disclosure of information already known or available to
26 Defendant that is more readily obtained by Defendant without subjecting Plaintiff to
27 unreasonable burden and expense.

10. The Request is duplicative and cumulative of other Requests.

11. The Request is premature, and Plaintiff cannot provide a full response until after further discovery is conducted.

12. The Request requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

13. The Request would subject Plaintiff or non-parties to annoyance, embarrassment, oppression, or undue burden or expense.

14. The Request is cumulatively overbroad, oppressive, unduly burdensome, and clearly designed to harass and further Defendant's vexatious litigation conduct prohibited by the Federal Rules of Civil Procedure and/or other applicable law or standard(s) of professional conduct.

PLAINTIFF'S RESPONSES AND OBJECTIONS TO DEFENDANT'S REQUESTS

PLAINTIFF hereby responds and objects to Defendant Kirkland & Ellis LLP's Request for Production of Documents to Plaintiff, Set One as follows:

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS that EVIDENCE the allegations in paragraph 11 of the COMPLAINT that "Plaintiff's work performance at Kirkland was excellent, and Plaintiff regularly received high praise throughout her tenure at the Firm"; that "Plaintiff's first assignments included drafting only winning dispositive motions in preliminary proceedings before the PTAB and preparing pre-suit patent infringement analyses that persuaded the Firm and a litigation funder to greenlight approval for representing an inventor in asserting integrated-circuit patents with a special fee arrangement involving significant litigation funding"; that "Plaintiff acted as the workhorse associate on an International Trade Commission ("ITC") investigation and successfully developed and drove litigation defenses, including managing and obtaining extensive third-party discovery essential to the patent unenforceability and invalidity defenses"; that "Plaintiff also served as a last-minute trial replacement, during which she substantively and valuably assisted with a key cross-examination of the plaintiff's

CEO that was critical in obtaining a complete defense verdict and assisted with direct examination of the damages expert, while also performing considerable substantive work on the aforementioned ITC investigation”; that “Plaintiff experienced a clear discrepancy in treatment by Defendants relative to comparator male associates, including with respect to workload, support provided for assignments, access to partners, benefits, and overall treatment”.

RESPONSE TO REQUEST FOR PRODUCTION 1:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law. Plaintiff further objects to this Request as overly broad and unduly burdensome to the extent it seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” statements in a specified paragraph “of the COMPLAINT.”

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks “DOCUMENT(S)” and thus seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26. Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “DOCUMENT(S)” and thus seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

and/or other applicable law to the extent it seeks “All DOCUMENTS” and thus seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., because subpart (a) of the definition of “DOCUMENT(S)” exceeds the scope of electronically stored information required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D).

Plaintiff objects to this Request as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus seeks discovery not limited to the relevant time period regarding the facts at issue in this

litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive because it seeks discovery by referencing “COMPLAINT,” a non-operative complaint.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request to the extent it seeks discovery that is not relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,

1 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
2 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
3 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
4 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
5 regarding the scope of this Request.

6 **REQUEST FOR PRODUCTION NO. 2:**

7 All DOCUMENTS that EVIDENCE the allegations in paragraph 11 of the
8 COMPLAINT that “Plaintiff experienced a clear discrepancy in treatment by Defendants
9 relative to comparator male associates, including with respect to workload, support provided for
10 assignments, access to partners, benefits and overall treatment”; that “Plaintiff worked on and
11 substantively contributed to a number of other cases and assignments”; that Plaintiff
12 “consistently received compliments and praise on her work and was never notified of any
13 alleged performance issues, let alone provide with any notice or even any indication that
14 Defendants viewed her work as woefully deficient in every respect”.

15 **RESPONSE TO REQUEST FOR PRODUCTION 2:**

16 In addition to the foregoing General Objections, each of which is specifically
17 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
18 unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking
19 discovery outside the permissible scope under the Federal Rules and/or other applicable law.
20 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as
21 seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
22 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
23 duplicative of discovery sought in other Requests regarding Defendants’ discriminatory and
24 retaliatory conduct, e.g., Request No. 1, which concerns the same paragraph of the non-
25 operative complaint.

1 Plaintiff further objects to this Request as overly broad and unduly burdensome to the
 2 extent it seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” statements in a specified paragraph
 3 “of the COMPLAINT.”

4 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 5 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 6 and/or other applicable law to the extent this Request seeks “DOCUMENTS” and thus seeks
 7 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
 8 Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ.
 9 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P.
 10 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26. Plaintiff objects
 11 to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery
 12 outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable
 13 law to the extent it seeks “DOCUMENTS” and thus seeks discovery that is cumulative and/or
 14 duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 15 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g).

16 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 17 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 18 and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and thus seeks to
 19 impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or
 20 other applicable law, e.g., because subpart (a) of the definition of “DOCUMENT(S)” exceeds
 21 the scope of electronically stored information required to be produced under the Federal Rules
 22 of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 23 Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R.
 24 Civ. P. 34(b)(2)(D). *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R.
 25 Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D).

26 Plaintiff objects to this Request as seeking discovery outside the scope permissible under
 27 the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks discovery
 28

that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive because it seeks discovery by referencing “COMPLAINT,” a non-operative complaint.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s

1 possession, custody, or control; and/or that is or should be available to Defendant and more
2 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

3 Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff's
4 legal contentions, and/or the disclosure of expert opinion and testimony in advance of any
5 deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules
6 of Civil Procedure and/or other applicable law or by agreement among the parties. The Court
7 has not yet entered a scheduling order in this case.

8 Plaintiff further objects to this Request to the extent it seeks discovery that is not
9 relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or
10 proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks
11 information that is protected by the attorney-client privilege, that constitutes attorney work
12 product, or that is protected by any other applicable privilege or protection, including without
13 limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

14 Subject to and without waiver of these objections and Plaintiff's General Objections,
15 Plaintiff responds as follows:

16 The Court has not yet entered a scheduling order in this case; the Court has not set a date
17 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
18 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
19 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
20 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
21 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
22 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
23 regarding the scope of this Request.

24 **REQUEST FOR PRODUCTION NO. 3:**

25 All DOCUMENTS that EVIDENCE the allegation in paragraph 12 of the COMPLAINT
26 that Plaintiff "witnessed obvious disparity in treatment relative to male associates, and
27 Defendants subjected Plaintiff to a pattern of discriminatory and subsequently retaliatory

1 treatment, including, among other things, with respect to workload, employee benefits and pay,
2 junior associate support and assistance on assignments, accessibility to partners, and respect for
3 scheduled time off”.

4 **RESPONSE TO REQUEST FOR PRODUCTION 3:**

5 In addition to the foregoing General Objections, each of which is specifically
6 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
7 unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking
8 discovery outside the permissible scope under the Federal Rules and/or other applicable law.
9 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as
10 seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
11 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
12 duplicative of discovery sought in other Requests regarding Defendants’ discriminatory and
13 retaliatory conduct, e.g., Requests Nos. 1–2.

14 Plaintiff further objects to this Request as overly broad and unduly burdensome to the
15 extent it seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” statements in a specified paragraph
16 “of the COMPLAINT.”

17 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
18 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
19 and/or other applicable law to the extent this Request seeks “DOCUMENTS” and thus seeks
20 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
21 Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ.
22 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P.
23 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26. Plaintiff objects
24 to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery
25 outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable
26 law to the extent it seeks “DOCUMENTS” and thus seeks discovery that is cumulative and/or
27

1 duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 2 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g).

3 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 4 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 5 and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and thus seeks to
 6 impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or
 7 other applicable law, e.g., because subpart (a) of the definition of “DOCUMENT(S)” exceeds
 8 the scope of electronically stored information required to be produced under the Federal Rules
 9 of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 10 Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R.
 11 Civ. P. 34(b)(2)(D). *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R.
 12 Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D).

13 Plaintiff objects to this Request as seeking discovery outside the scope permissible under
 14 the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks discovery
 15 that is privileged and/or otherwise protected, including without limitation by attorney-client
 16 privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held
 17 by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
 18 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

19 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to
 20 the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint
 21 and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to
 22 the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules
 23 of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ.
 24 P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

25 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to
 26 the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.*,
 27 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.

26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive because it seeks discovery by referencing “COMPLAINT,” a non-operative complaint.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as premature, and Plaintiff cannot provide a full response until after further discovery is conducted. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request to the extent it seeks discovery that is not relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
9 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
10 regarding the scope of this Request.

11 **REQUEST FOR PRODUCTION NO. 4:**

12 All DOCUMENTS that EVIDENCE the allegation in paragraph 13 of the COMPLAINT
13 that KIRKLAND'S "[IP litigation group] produced an alarmingly high turnover of female
14 associates relative to male associates."

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

16 In addition to the foregoing General Objections, each of which is specifically
17 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
18 unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking
19 discovery outside the permissible scope under the Federal Rules and/or other applicable law.
20 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as
21 seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
22 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
23 duplicative of discovery sought in other Requests regarding Defendants' discriminatory conduct.

24 Plaintiff further objects to this Request as overly broad and unduly burdensome to the
25 extent it seeks "[a]ll" "DOCUMENTS" that "EVIDENCE" statements in a specified paragraph
26 "of the COMPLAINT." Plaintiff objects to this Request as overly broad, unduly burdensome,
27 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules

of Civil Procedure and/or other applicable law to the extent this Request seeks “DOCUMENTS” and thus seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26. Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “DOCUMENTS” and thus seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also*, *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g). Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and thus seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, because subpart (a) of the definition of “DOCUMENT(S)” exceeds the scope of electronically stored information required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D).

Plaintiff objects to this Request as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to
 2 the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint
 3 and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to
 4 the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules
 5 of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ.
 6 P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to
 8 the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.*,
 9 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 10 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome,
 11 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 12 of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus
 13 seeks discovery not limited to the relevant time period regarding the facts at issue in this
 14 litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i);
 15 Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R.
 16 Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 18 oppressive because it seeks discovery by referencing “the COMPLAINT,” a non-operative
 19 complaint.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 21 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
 22 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
 23 possession, custody, or control; and/or that is or should be available to Defendant and more
 24 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

25 Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s
 26 legal contentions, and/or the disclosure of expert opinion and testimony in advance of any
 27 deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules

1 of Civil Procedure and/or other applicable law or by agreement among the parties. The Court
2 has not yet entered a scheduling order in this case.

3 Plaintiff further objects to this Request to the extent it seeks discovery that is not
4 relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or
5 proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks
6 information that is protected by the attorney-client privilege, that constitutes attorney work
7 product, or that is protected by any other applicable privilege or protection, including without
8 limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

9 Subject to and without waiver of these objections and Plaintiff's General Objections,
10 Plaintiff responds as follows:

11 The Court has not yet entered a scheduling order in this case; the Court has not set a date
12 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
13 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
14 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
15 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
16 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
17 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
18 regarding the scope of this Request.

19 **REQUEST FOR PRODUCTION NO. 5:**

20 All DOCUMENTS that EVIDENCE the allegation in paragraph 13 of the COMPLAINT
21 that "Plaintiff is aware of at least seven female associates who worked for the Defendants
22 named above and who left the Firm during Plaintiff's short tenure at Kirkland" and that
23 "Plaintiff is aware of only one male associate who had worked with these Defendants and left
24 the Firm during the same period".

25 **RESPONSE TO REQUEST FOR PRODUCTION 5:**

26 In addition to the foregoing General Objections, each of which is specifically
27 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,

1 unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking
2 discovery outside the permissible scope under the Federal Rules and/or other applicable law.
3 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as
4 seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
5 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
6 duplicative of discovery sought in other Requests regarding Defendants' discriminatory conduct,
7 e.g., Request No. 4.

8 Plaintiff further objects to this Request as overly broad and unduly burdensome to the
9 extent it seeks "[a]ll" "DOCUMENTS" that "EVIDENCE" statements in a specified paragraph
10 "of the COMPLAINT." Plaintiff objects to this Request as overly broad, unduly burdensome,
11 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
12 of Civil Procedure and/or other applicable law to the extent this Request seeks "DOCUMENTS"
13 and thus seeks discovery not limited to the relevant time period regarding the facts at issue in
14 this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
15 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
16 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed.
17 R. Civ. P. 26. Plaintiff objects to this Request as overly broad, unduly burdensome, and
18 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
19 Civil Procedure and/or other applicable law to the extent it seeks "DOCUMENTS" and thus
20 seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also*,
21 e.g., Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g). Plaintiff
22 objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking
23 discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other
24 applicable law to the extent it seeks "[a]ll DOCUMENTS" and thus seeks to impose obligations
25 exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law,
26 e.g., because subpart (a) of the definition of "DOCUMENT(S)" exceeds the scope of
27 electronically stored information required to be produced under the Federal Rules of Civil

1 Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
 2 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.,* Fed. R. Civ. P.
 3 34(b)(2)(D). *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P.
 4 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D).

5 Plaintiff objects to this Request as seeking discovery outside the scope permissible under
 6 the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks discovery
 7 that is privileged and/or otherwise protected, including without limitation by attorney-client
 8 privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held
 9 by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
 10 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

11 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to
 12 the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint
 13 and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to
 14 the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules
 15 of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ.
 16 P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

17 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to
 18 the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.,*
 19 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 20 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome,
 21 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 22 of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus
 23 seeks discovery not limited to the relevant time period regarding the facts at issue in this
 24 litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i);
 25 Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R.
 26 Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive because it seeks discovery by referencing “the COMPLAINT,” a non-operative
3 complaint.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s
10 legal contentions, and/or the disclosure of expert opinion and testimony in advance of any
11 deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules
12 of Civil Procedure and/or other applicable law or by agreement among the parties. The Court
13 has not yet entered a scheduling order in this case.

14 Plaintiff further objects to this Request to the extent it seeks discovery that is not
15 relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or
16 proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks
17 information that is protected by the attorney-client privilege, that constitutes attorney work
18 product, or that is protected by any other applicable privilege or protection, including without
19 limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

20 Subject to and without waiver of these objections and Plaintiff’s General Objections,
21 Plaintiff responds as follows:

22 The Court has not yet entered a scheduling order in this case; the Court has not set a date
23 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
24 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
25 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
26 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
27 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
28

1 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
2 regarding the scope of this Request.

3 **REQUEST FOR PRODUCTION NO. 6:**

4 All DOCUMENTS that EVIDENCE the allegation in paragraph 14 of the COMPLAINT
5 that “Plaintiff complained on multiple occasions of Defendants’ disparate and unfair treatment
6 of Plaintiff, including as compared to male associates working on the same matters, and
7 thereafter Defendants retaliated against Plaintiff.”

8 **RESPONSE TO REQUEST FOR PRODUCTION 6:**

9 In addition to the foregoing General Objections, each of which is specifically
10 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
11 unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking
12 discovery outside the permissible scope under the Federal Rules and/or other applicable law.
13 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as
14 seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
15 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
16 duplicative of discovery sought in other Requests regarding Defendants’ discriminatory,
17 retaliatory, and harassing conduct and Defendants’ discriminatory, retaliatory, defamatory,
18 malicious evaluations of Plaintiff.

19 Plaintiff further objects to this Request as overly broad and unduly burdensome to the
20 extent it seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” statements in a specified paragraph
21 “of the COMPLAINT.” Plaintiff objects to this Request as overly broad, unduly burdensome,
22 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
23 of Civil Procedure and/or other applicable law to the extent this Request seeks “DOCUMENTS”
24 and thus seeks discovery not limited to the relevant time period regarding the facts at issue in
25 this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
26 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
27 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed.

R. Civ. P. 26. Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “DOCUMENTS” and thus seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also*, *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g). Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and thus seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, because subpart (a) of the definition of “DOCUMENT(S)” exceeds the scope of electronically stored information required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D).

Plaintiff objects to this Request as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to
 2 the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.,*
 3 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 4 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome,
 5 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 6 of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus
 7 seeks discovery not limited to the relevant time period regarding the facts at issue in this
 8 litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i);
 9 Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R.
 10 Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 12 oppressive because it seeks discovery by referencing “the COMPLAINT,” a non-operative
 13 complaint.

14 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 15 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
 16 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
 17 possession, custody, or control; and/or that is or should be available to Defendant and more
 18 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

19 Plaintiff further objects to this Request as premature, and Plaintiff cannot provide a full
 20 response until after further discovery is conducted. Plaintiff further objects to this Request as
 21 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
 22 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
 23 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
 24 agreement among the parties. The Court has not yet entered a scheduling order in this case.

25 Plaintiff further objects to this Request to the extent it seeks discovery that is not
 26 relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or
 27 proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks

1 information that is protected by the attorney-client privilege, that constitutes attorney work
2 product, or that is protected by any other applicable privilege or protection, including without
3 limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

4 Subject to and without waiver of these objections and Plaintiff's General Objections,
5 Plaintiff responds as follows:

6 The Court has not yet entered a scheduling order in this case; the Court has not set a date
7 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
8 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
9 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
10 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
11 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
12 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
13 regarding the scope of this Request.

14 **REQUEST FOR PRODUCTION NO. 7:**

15 All DOCUMENTS that EVIDENCE the allegation in paragraph 16 of the COMPLAINT
16 that "Mr. Deoras acknowledged that Plaintiff would be shocked about the firing, told Plaintiff
17 that she is 'talented,' and expressed certainty that she would be successful".

18 **RESPONSE TO REQUEST FOR PRODUCTION 7:**

19 In addition to the foregoing General Objections, each of which is specifically
20 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
21 unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking
22 discovery outside the permissible scope under the Federal Rules and/or other applicable law.
23 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as
24 seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
25 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
26 duplicative of discovery sought in other Requests regarding Defendants' discriminatory and
27 retaliatory conduct.

Plaintiff further objects to this Request as overly broad and unduly burdensome to the extent it seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” statements in a specified paragraph “of the COMPLAINT.” Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks “DOCUMENTS” and thus seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(ii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26. Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “DOCUMENTS” and thus seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also*, *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g). Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and thus seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, because subpart (a) of the definition of “DOCUMENT(S)” exceeds the scope of electronically stored information required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D).

Plaintiff objects to this Request as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks discovery that is privileged and/or otherwise protected, including without limitation by attorney-client

1 privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held
 2 by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
 3 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

4 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to
 5 the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint
 6 and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to
 7 the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules
 8 of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ.
 9 P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to
 11 the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.*,
 12 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 13 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome,
 14 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 15 of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus
 16 seeks discovery not limited to the relevant time period regarding the facts at issue in this
 17 litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i);
 18 Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R.
 19 Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 21 oppressive because it seeks discovery by referencing “the COMPLAINT,” a non-operative
 22 complaint.

23 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 24 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
 25 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
 26 possession, custody, or control; and/or that is or should be available to Defendant and more
 27 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

1 Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff's
2 legal contentions, and/or the disclosure of expert opinion and testimony in advance of any
3 deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules
4 of Civil Procedure and/or other applicable law or by agreement among the parties. The Court
5 has not yet entered a scheduling order in this case.

6 Plaintiff further objects to this Request to the extent it seeks discovery that is not
7 relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or
8 proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks
9 information that is protected by the attorney-client privilege, that constitutes attorney work
10 product, or that is protected by any other applicable privilege or protection, including without
11 limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

12 Subject to and without waiver of these objections and Plaintiff's General Objections,
13 Plaintiff responds as follows:

14 The Court has not yet entered a scheduling order in this case; the Court has not set a date
15 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
16 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
17 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
18 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
19 extent consistent with the same, Plaintiff states that she has already produced material
20 responsive to this Request and that she will conduct a reasonable investigation and reasonable
21 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
22 regarding the scope of this Request.

23 **REQUEST FOR PRODUCTION NO. 8:**

24 All DOCUMENTS that EVIDENCE the allegation in paragraph 17 of the COMPLAINT
25 that "Defendants intentionally withheld and hid from Plaintiff the completely fabricated
26 statements in their 'evaluations' regarding Plaintiff's work that served as the underlying support
27
28

for the poor performance basis for Plaintiff's termination knowing full well that upon notice of this information Plaintiff would rebuff such falsehoods and not sign the severance offer".

RESPONSE TO REQUEST FOR PRODUCTION 8:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law. Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests regarding Defendants' discriminatory, retaliatory, and harassing conduct and Defendants' discriminatory, retaliatory, defamatory, malicious evaluations of Plaintiff.

Plaintiff further objects to this Request as overly broad and unduly burdensome to the extent it seeks "[a]ll" "DOCUMENTS" that "EVIDENCE" statements in a specified paragraph "of the COMPLAINT." Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks "DOCUMENTS" and thus seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(ii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26. Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "DOCUMENTS" and thus seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also*, *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g). Plaintiff

objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and thus seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., because subpart (a) of the definition of “DOCUMENT(S)” exceeds the scope of electronically stored information required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D).

Plaintiff objects to this Request as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules

1 of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus
2 seeks discovery not limited to the relevant time period regarding the facts at issue in this
3 litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i);
4 Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R.
5 Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive because it seeks discovery by referencing “the COMPLAINT,” a non-operative
8 complaint.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
11 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
12 possession, custody, or control; and/or that is or should be available to Defendant and more
13 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

14 Plaintiff further objects to this Request as premature, and Plaintiff cannot provide a full
15 response until after further discovery is conducted. Plaintiff further objects to this Request as
16 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
17 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
18 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
19 agreement among the parties. The Court has not yet entered a scheduling order in this case.

20 Plaintiff further objects to this Request to the extent it seeks discovery that is not
21 relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or
22 proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks
23 information that is protected by the attorney-client privilege, that constitutes attorney work
24 product, or that is protected by any other applicable privilege or protection, including without
25 limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

26 Subject to and without waiver of these objections and Plaintiff’s General Objections,
27 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
7 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
8 regarding the scope of this Request.

9
10 **REQUEST FOR PRODUCTION NO. 9:**

11 All DOCUMENTS that EVIDENCE the allegations in paragraph 18 that "Plaintiff had
12 several one-sided discussions with the Firm's chief human resources ("HR") officer and
13 assistant general counsel regarding Defendants' Unlawful Employment Practices, during which
14 Plaintiff provided information regarding her claims against the Firm"; that "both the chief HR
15 officer and assistant general counsel of Kirkland expressed dismay when Plaintiff told them that
16 her "evaluations" had been read to her by (now-erstwhile) Firm personnel"; and that "the
17 assistant general counsel claimed to have conducted a purported 'investigation' based on
18 Defendants' 'recollections' and reiterated that Plaintiff's termination was because of Plaintiff's
19 allegedly poor performance".

20 **RESPONSE TO REQUEST FOR PRODUCTION 9:**

21 Subject to and without waiving these or any other applicable objections, Plaintiff states
22 that she will produce all relevant, responsive, non-privileged documents in her possession,
23 custody, or control.

24 In addition to the foregoing General Objections, each of which is specifically
25 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
26 unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking
27 discovery outside the permissible scope under the Federal Rules and/or other applicable law.

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as
2 seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
3 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
4 duplicative of discovery sought in other Requests regarding Defendants' discriminatory and
5 retaliatory conduct and Defendants' discriminatory, retaliatory, defamatory, malicious
6 evaluations of Plaintiff.

7 Plaintiff further objects to this Request as overly broad and unduly burdensome to the
8 extent it seeks "[a]ll" "DOCUMENTS" that "EVIDENCE" statements in a specified paragraph
9 "of the COMPLAINT." Plaintiff objects to this Request as overly broad, unduly burdensome,
10 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
11 of Civil Procedure and/or other applicable law to the extent this Request seeks "DOCUMENTS"
12 and thus seeks discovery not limited to the relevant time period regarding the facts at issue in
13 this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
14 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
15 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed.
16 R. Civ. P. 26. Plaintiff objects to this Request as overly broad, unduly burdensome, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "DOCUMENTS" and thus
19 seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also*,
20 *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g). Plaintiff
21 objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking
22 discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other
23 applicable law to the extent it seeks "[a]ll DOCUMENTS" and thus seeks to impose obligations
24 exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law,
25 *e.g.*, because subpart (a) of the definition of "DOCUMENT(S)" exceeds the scope of
26 electronically stored information required to be produced under the Federal Rules of Civil
27 Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.

26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D).

Plaintiff objects to this Request as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive because it seeks discovery by referencing “the COMPLAINT,” a non-operative
3 complaint.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as premature, and Plaintiff cannot provide a full
10 response until after further discovery is conducted. Plaintiff further objects to this Request as
11 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
12 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
13 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
14 agreement among the parties. The Court has not yet entered a scheduling order in this case.

15 Plaintiff further objects to this Request to the extent it seeks discovery that is not
16 relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or
17 proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks
18 information that is protected by the attorney-client privilege, that constitutes attorney work
19 product, or that is protected by any other applicable privilege or protection, including without
20 limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

21 Subject to and without waiver of these objections and Plaintiff’s General Objections,
22 Plaintiff responds as follows:

23 The Court has not yet entered a scheduling order in this case; the Court has not set a date
24 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
25 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
26 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
27 Request as this action and discovery proceeds. Subject to the foregoing objections and to the

1 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
 2 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
 3 regarding the scope of this Request.

4 **REQUEST FOR PRODUCTION NO. 10:**

5 All DOCUMENTS that EVIDENCE the allegation in paragraph 23 of the COMPLAINT
 6 that “Adam Alper acted as an agent and/or authorized representative of and/or formed a
 7 partnership, association, joint venture, agency, and/or other instrumentality with Adam R. Alper,
 8 P.C. and/or Kirkland”.

9 **RESPONSE TO REQUEST FOR PRODUCTION 10:**

10 In addition to the foregoing General Objections, each of which is specifically
 11 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 12 unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking
 13 discovery outside the permissible scope under the Federal Rules and/or other applicable law.

14 Plaintiff further objects to this Request as overly broad and unduly burdensome to the
 15 extent it seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” statements in a specified paragraph
 16 “of the COMPLAINT.” Plaintiff objects to this Request as overly broad, unduly burdensome,
 17 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 18 of Civil Procedure and/or other applicable law to the extent this Request seeks “DOCUMENTS”
 19 and thus seeks discovery not limited to the relevant time period regarding the facts at issue in
 20 this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
 21 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
 22 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed.
 23 R. Civ. P. 26. Plaintiff objects to this Request as overly broad, unduly burdensome, and
 24 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
 25 Civil Procedure and/or other applicable law to the extent it seeks “DOCUMENTS” and thus
 26 seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also*,
 27 *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g). Plaintiff

objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and thus seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., because subpart (a) of the definition of “DOCUMENT(S)” exceeds the scope of electronically stored information required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive because it seeks discovery by referencing “the COMPLAINT,” a non-operative
3 complaint.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s
10 legal contentions, and/or the disclosure of expert opinion and testimony in advance of any
11 deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules
12 of Civil Procedure and/or other applicable law or by agreement among the parties. The Court
13 has not yet entered a scheduling order in this case.

14 Plaintiff further objects to this Request to the extent it seeks discovery that is not
15 relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or
16 proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks
17 information that is protected by the attorney-client privilege, that constitutes attorney work
18 product, or that is protected by any other applicable privilege or protection, including without
19 limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

20 Subject to and without waiver of these objections and Plaintiff’s General Objections,
21 Plaintiff responds as follows:

22 The Court has not yet entered a scheduling order in this case; the Court has not set a date
23 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
24 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
25 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
26 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
27 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
28

1 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
 2 regarding the scope of this Request. Plaintiff has already produced material responsive to this
 3 Request.

4 **REQUEST FOR PRODUCTION NO. 11:**

5 All DOCUMENTS that EVIDENCE the allegation in paragraph 26 of the COMPLAINT
 6 that “Michael De Vries acted as an agent and/or authorized representative of and/or formed a
 7 partnership, association, joint venture, agency, and/or other instrumentality with Michael W.
 8 DeVries, P.C. and/or Kirkland”.

9 **RESPONSE TO REQUEST FOR PRODUCTION 11:**

10 In addition to the foregoing General Objections, each of which is specifically
 11 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 12 unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking
 13 discovery outside the permissible scope under the Federal Rules and/or other applicable law.

14 Plaintiff further objects to this Request as overly broad and unduly burdensome to the
 15 extent it seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” statements in a specified paragraph
 16 “of the COMPLAINT.” Plaintiff objects to this Request as overly broad, unduly burdensome,
 17 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 18 of Civil Procedure and/or other applicable law to the extent this Request seeks “DOCUMENTS”
 19 and thus seeks discovery not limited to the relevant time period regarding the facts at issue in
 20 this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
 21 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
 22 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed.
 23 R. Civ. P. 26. Plaintiff objects to this Request as overly broad, unduly burdensome, and
 24 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
 25 Civil Procedure and/or other applicable law to the extent it seeks “DOCUMENTS” and thus
 26 seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also*,
 27 *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g). Plaintiff

objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and thus seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., because subpart (a) of the definition of “DOCUMENT(S)” exceeds the scope of electronically stored information required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive because it seeks discovery by referencing “the COMPLAINT,” a non-operative
3 complaint.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s
10 legal contentions, and/or the disclosure of expert opinion and testimony in advance of any
11 deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules
12 of Civil Procedure and/or other applicable law or by agreement among the parties. The Court
13 has not yet entered a scheduling order in this case.

14 Plaintiff further objects to this Request to the extent it seeks discovery that is not
15 relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or
16 proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks
17 information that is protected by the attorney-client privilege, that constitutes attorney work
18 product, or that is protected by any other applicable privilege or protection, including without
19 limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

20 Subject to and without waiver of these objections and Plaintiff’s General Objections,
21 Plaintiff responds as follows:

22 The Court has not yet entered a scheduling order in this case; the Court has not set a date
23 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
24 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
25 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
26 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
27 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
28

1 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
 2 regarding the scope of this Request. Plaintiff has already produced material responsive to this
 3 Request.

4 **REQUEST FOR PRODUCTION NO. 12:**

5 All DOCUMENTS that EVIDENCE the allegation in paragraph 29 of the COMPLAINT
 6 that “Akshay Deoras acted as an agent and/or authorized representative of and/or formed a
 7 partnership, association, joint venture, agency, and/or other instrumentality with Akshay S.
 8 Deoras, P.C. and/or Kirkland”.

9 **RESPONSE TO REQUEST FOR PRODUCTION 12:**

10 In addition to the foregoing General Objections, each of which is specifically
 11 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 12 unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking
 13 discovery outside the permissible scope under the Federal Rules and/or other applicable law.

14 Plaintiff further objects to this Request as overly broad and unduly burdensome to the
 15 extent it seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” statements in a specified paragraph
 16 “of the COMPLAINT.” Plaintiff objects to this Request as overly broad, unduly burdensome,
 17 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 18 of Civil Procedure and/or other applicable law to the extent this Request seeks “DOCUMENTS”
 19 and thus seeks discovery not limited to the relevant time period regarding the facts at issue in
 20 this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
 21 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
 22 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed.
 23 R. Civ. P. 26. Plaintiff objects to this Request as overly broad, unduly burdensome, and
 24 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
 25 Civil Procedure and/or other applicable law to the extent it seeks “DOCUMENTS” and thus
 26 seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also*,
 27 *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g). Plaintiff

objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and thus seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., because subpart (a) of the definition of “DOCUMENT(S)” exceeds the scope of electronically stored information required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive because it seeks discovery by referencing “the COMPLAINT,” a non-operative
3 complaint.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s
10 legal contentions, and/or the disclosure of expert opinion and testimony in advance of any
11 deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules
12 of Civil Procedure and/or other applicable law or by agreement among the parties. The Court
13 has not yet entered a scheduling order in this case.

14 Plaintiff further objects to this Request to the extent it seeks discovery that is not
15 relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or
16 proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks
17 information that is protected by the attorney-client privilege, that constitutes attorney work
18 product, or that is protected by any other applicable privilege or protection, including without
19 limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

20 Subject to and without waiver of these objections and Plaintiff’s General Objections,
21 Plaintiff responds as follows:

22 The Court has not yet entered a scheduling order in this case; the Court has not set a date
23 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
24 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
25 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
26 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
27 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
28

1 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
 2 regarding the scope of this Request. Plaintiff has already produced material responsive to this
 3 Request.

4 **REQUEST FOR PRODUCTION NO. 13:**

5 All DOCUMENTS that EVIDENCE the allegation in paragraph 32 of the COMPLAINT
 6 that “Leslie Schmidt acted as an agent and/or authorized representative of and/or formed a
 7 partnership, association, joint venture, agency, and/or other instrumentality with Leslie M.
 8 Schmidt, P.C. and/or Kirkland”.

9 **RESPONSE TO REQUEST FOR PRODUCTION 13:**

10 In addition to the foregoing General Objections, each of which is specifically
 11 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 12 unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking
 13 discovery outside the permissible scope under the Federal Rules and/or other applicable law.

14 Plaintiff further objects to this Request as overly broad and unduly burdensome to the
 15 extent it seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” statements in a specified paragraph
 16 “of the COMPLAINT.” Plaintiff objects to this Request as overly broad, unduly burdensome,
 17 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 18 of Civil Procedure and/or other applicable law to the extent this Request seeks “DOCUMENTS”
 19 and thus seeks discovery not limited to the relevant time period regarding the facts at issue in
 20 this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
 21 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
 22 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed.
 23 R. Civ. P. 26. Plaintiff objects to this Request as overly broad, unduly burdensome, and
 24 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
 25 Civil Procedure and/or other applicable law to the extent it seeks “DOCUMENTS” and thus
 26 seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also*,
 27 *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g). Plaintiff

objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and thus seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., because subpart (a) of the definition of “DOCUMENT(S)” exceeds the scope of electronically stored information required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
3 Civil Procedure and/or other applicable law because this Request seeks discovery by referencing
4 “the COMPLAINT,” a non-operative complaint, and seeking discovery regarding a statement in
5 the same regarding Leslie Schmidt and Leslie M. Schmidt, P.C., who were dismissed by this
6 Court as parties to this action.

7 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
8 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
9 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
10 possession, custody, or control; and/or that is or should be available to Defendant and more
11 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

12 Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s
13 legal contentions, and/or the disclosure of expert opinion and testimony in advance of any
14 deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules
15 of Civil Procedure and/or other applicable law or by agreement among the parties. The Court
16 has not yet entered a scheduling order in this case.

17 Plaintiff further objects to this Request to the extent it seeks discovery that is not
18 relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or
19 proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks
20 information that is protected by the attorney-client privilege, that constitutes attorney work
21 product, or that is protected by any other applicable privilege or protection, including without
22 limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

23 Subject to and without waiver of these objections and Plaintiff’s General Objections,
24 Plaintiff responds as follows:

25 The Court has not yet entered a scheduling order in this case; the Court has not set a date
26 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
27 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,

1 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
2 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
3 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
4 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
5 regarding the scope of this Request. Plaintiff has already produced material responsive to this
6 Request.

7 **REQUEST FOR PRODUCTION NO. 14:**

8 All DOCUMENTS that EVIDENCE the allegations in paragraph 34 of the
9 COMPLAINT that “even so-called ‘non-share partners’ make capital contributions in exchange
10 for equity in Kirkland”; and that “Mr. Fahey acted as an agent of Kirkland”.

11 **RESPONSE TO REQUEST FOR PRODUCTION 14:**

12 In addition to the foregoing General Objections, each of which is specifically
13 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
14 unduly burdensome, oppressive, and not proportional to the needs of this case and as seeking
15 discovery outside the permissible scope under the Federal Rules and/or other applicable law.

16 Plaintiff objects to this Request as seeking information that is not relevant to any party’s
17 claim or defense, is not material, is not reasonably calculated to lead to the discovery of
18 admissible evidence, and/or is not proportional to the needs of the case, considering the
19 importance of the issues at stake in the action, the amount in controversy, the parties’ relative
20 access to relevant information, the parties’ resources, the importance of the discovery in
21 resolving the issues, and whether the burden or expense of the proposed discovery outweighs its
22 likely benefit.

23 Plaintiff further objects to this Request as overly broad and unduly burdensome to the
24 extent it seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” statements in a specified paragraph
25 “of the COMPLAINT.” Plaintiff objects to this Request as overly broad, unduly burdensome,
26 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
27 of Civil Procedure and/or other applicable law to the extent this Request seeks “DOCUMENTS”

1 and thus seeks discovery not limited to the relevant time period regarding the facts at issue in
 2 this litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
 3 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
 4 26(g)(1)(B)(ii); Fed. R. Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed.
 5 R. Civ. P. 26. Plaintiff objects to this Request as overly broad, unduly burdensome, and
 6 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
 7 Civil Procedure and/or other applicable law to the extent it seeks “DOCUMENTS” and thus
 8 seeks discovery that is cumulative and/or duplicative. Fed. R. Civ. P. 26(b)(2)(C)(i); *see also*,
 9 *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g). Plaintiff
 10 objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking
 11 discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other
 12 applicable law to the extent it seeks “[a]ll DOCUMENTS” and thus seeks to impose obligations
 13 exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law,
 14 *e.g.*, because subpart (a) of the definition of “DOCUMENT(S)” exceeds the scope of
 15 electronically stored information required to be produced under the Federal Rules of Civil
 16 Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
 17 26(b)(2)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P.
 18 34(b)(2)(D). *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C); Fed. R. Civ. P.
 19 26(b)(1); Fed. R. Civ. P. 34(b)(2)(E); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D).

20 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to
 21 the extent it seeks all documents “that EVIDENCE” statements in a non-operative complaint
 22 and seeks discovery that is neither relevant to any party’s claim or defense nor proportional to
 23 the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules
 24 of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ.
 25 P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

26 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive to
 27 the extent it seeks “EVIDENCE” and thus seeks duplicative and cumulative discovery. *See, e.g.*,

1 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
2 26(b)(2)(c)(i) & (iii). Plaintiff objects to this Request as overly broad, unduly burdensome,
3 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
4 of Civil Procedure and/or other applicable law to the extent it seeks “EVIDENCE” and thus
5 seeks discovery not limited to the relevant time period regarding the facts at issue in this
6 litigation. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i);
7 Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii); Fed. R.
8 Civ. P. 26(g)(1)(B)(iii); Fed. R. Civ. P. 26(g)(1)(C); *see generally* Fed. R. Civ. P. 26.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
11 Civil Procedure and/or other applicable law because this Request seeks discovery by referencing
12 “the COMPLAINT,” a non-operative complaint.

13 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
14 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
15 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
16 possession, custody, or control; and/or that is or should be available to Defendant and more
17 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

18 Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s
19 legal contentions, and/or the disclosure of expert opinion and testimony in advance of any
20 deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules
21 of Civil Procedure and/or other applicable law or by agreement among the parties. The Court
22 has not yet entered a scheduling order in this case.

23 Plaintiff further objects to this Request to the extent it seeks discovery that is not
24 relevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or
25 proportional to the needs of the case. Plaintiff also objects to this Request to the extent it seeks
26 information that is protected by the attorney-client privilege, that constitutes attorney work
27

1 product, or that is protected by any other applicable privilege or protection, including without
2 limitation the psychotherapist-patient privilege or protections arising from privacy right(s).

3 Subject to and without waiver of these objections and Plaintiff's General Objections,
4 Plaintiff responds as follows:

5 The Court has not yet entered a scheduling order in this case; the Court has not set a date
6 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
7 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
8 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
9 Request as this action and discovery proceeds. Subject to the foregoing objections and to the
10 extent consistent with the same, Plaintiff will conduct a reasonable investigation and reasonable
11 search for documents as appropriate. Plaintiff states that she is willing to meet and confer
12 regarding the scope of this Request. Plaintiff has already produced material responsive to this
13 Request.

14 **REQUEST FOR PRODUCTION NO. 15:**

15 All DOCUMENTS that EVIDENCE the allegation in paragraph 37 of the COMPLAINT
16 that "Plaintiff received a right-to-sue ("RTS") letter from the DFEH on February 11, 2021" and
17 that "[d]espite Plaintiff requesting the [notice of right to sue] from and diligently following up
18 with the EEOC many times, including by uploading correspondence to its portal, by email, by
19 telephone, and by going to the field office to which the Charge was transferred, the EEOC has
20 failed to provide Plaintiff with the NRTS".

21 **RESPONSE TO REQUEST FOR PRODUCTION 15:**

22 In addition to the foregoing General Objections, each of which is specifically
23 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
24 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
25 calculated to lead to the discovery of admissible evidence and that is not proportional to the
26 needs of this case, and as seeking discovery outside the permissible scope under the Federal
27 Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably

1 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
2 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
3 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
4 stored information from sources that are not reasonably accessible because of undue burden or
5 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
6 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
7 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
8 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
9 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
10 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
11 objects to this Request to the extent it seeks production of electronically stored information in
12 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
13 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
14 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
15 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
16 graphic material, however produced or reproduced and all other tangible objects, including, but
17 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
18 specified means] or other means” “and all drafts and summaries thereof” “and any
19 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
20 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
21 produced” where “a document was prepared and several copies were made or if additional
22 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
23 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
24 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
25 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
26 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
27 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not

relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent

1 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
2 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
3 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
4 and government and government agency of every nature or type”; and/or to the extent this
5 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
6 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
7 envelopes, explanatory notes or memoranda, and any other material that accompanied the
8 document(s)” and “[i]f the specific document elicited a response, that response is also to be
9 identified and produced” and “[i]f the document was itself a response, the document to which it
10 responded is also to be identified and produced.”

11 Plaintiff intends to produce electronically stored information in a reasonably usable form.

12 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
13 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
14 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
15 possession, custody, or control; and/or that is or should be available to Defendant and more
16 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

17 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
18 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
19 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
20 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
21 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
22 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
23 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
24 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
25 applicable privilege or protection, including without limitation the psychotherapist-patient
26 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
27 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
28

1 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
2 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
3 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
4 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
5 agreement among the parties. The Court has not yet entered a scheduling order in this case.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
8 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
9 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
10 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
11 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
12 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
13 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
14 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
16 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
17 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
18 seeks discovery not limited to the relevant time period regarding the facts at issue in this
19 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
20 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
22 provide a full response until after further discovery is conducted.

23 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
24 assessment, or determination, which will be adjudicated only by a judge and/or jury.

25 Subject to and without waiver of these objections and Plaintiff's General Objections,
26 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
 2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
 3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
 4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
 5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
 6 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
 7 documents as appropriate and, as discovery proceeds, will produce, before the close of
 8 discovery in accordance with any scheduling order that the Court will issue in this case,
 9 responsive and relevant documents that are neither privileged nor otherwise protected, are
 10 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
 11 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
 12 she is willing to meet and confer regarding the scope of this Request.

13 **REQUEST FOR PRODUCTION NO. 16:**

14 All DOCUMENTS that EVIDENCE the allegations in paragraph 62 that "Plaintiff
 15 would have worked in this judicial district but for Defendants' Unlawful Employment Practices;
 16 that "Plaintiff intended and planned to relocate to San Francisco"; that "[i]n November 2020,
 17 Plaintiff went to San Francisco to look for an apartment and have begun planning her move";
 18 that "[i]n December 2020, Plaintiff applied to rent a condo but subsequently paused her plans to
 19 move because Kirkland had not yet announced when it would officially reopen the San
 20 Francisco office, COVID cases were spiking, and Plaintiff needed to prepare for the February
 21 2021 California Bar Examination"; and that "[w]hen the Firm announced its tentative plans for
 22 its November 2021 San Francisco office reopening (following an approximately 19-month
 23 closure), Plaintiff began working on plans for her move and planned to discuss its timing (e.g.,
 24 given an upcoming trial scheduled for early November 2021) during what Plaintiff thought
 25 would be her review in September 2021"

26 **RESPONSE TO REQUEST FOR PRODUCTION 16:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests, including Requests regarding defamation,
11 discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*,
12 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
13 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
14 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
15 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
16 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
17 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
18 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
19 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
20 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
21 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

22 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
23 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
24 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
25 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
26 production of electronically stored information, to the extent this Request seeks “[a]ll”
27 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of

1 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
3 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
4 objects to this Request to the extent it seeks production of electronically stored information
5 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
6 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
7 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
8 it seeks production of electronically stored information that is unreasonably cumulative or
9 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
10 seeks production of electronically stored information that is or can be obtained from some other
11 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
12 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
13 production of electronically stored information that exceeds the scope of discovery permitted by
14 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
15 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
16 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
17 considering the importance of the issues at stake in the action, the amount in controversy, the
18 parties’ relative access to relevant information, including Kirkland’s access to relevant
19 information because relevant information sought is or should be in Kirkland’s possession,
20 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
21 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
22 the at most de minimis importance of cumulative and duplicative discovery requested ad
23 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
24 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
25 this Request to the extent it seeks production of electronically stored information that is not in
26 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-
27 defendants’ possession, custody, or control; and/or that is or should be available to Defendant

and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional

1 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
2 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
3 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
4 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
5 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
6 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
7 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
8 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
9 including because the sought discovery is should be in Kirkland’s or its co-defendants’
10 possession, custody, or control, the importance of the discovery sought from Plaintiff in
11 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
12 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
13 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
14 of the case, and a seeking discovery outside the scope of discovery permitted or required under
15 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
16 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
17 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
18 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
19 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
20 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
21 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
22 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
23 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
24 recorded or graphic material, however produced or reproduced and all other tangible objects,
25 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
26 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
27 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
28

1 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
2 produced” where “a document was prepared and several copies were made or if additional
3 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
4 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
5 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
6 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
7 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
8 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
9 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
10 and government and government agency of every nature or type”; and/or to the extent this
11 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
12 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
13 envelopes, explanatory notes or memoranda, and any other material that accompanied the
14 document(s)” and “[i]f the specific document elicited a response, that response is also to be
15 identified and produced” and “[i]f the document was itself a response, the document to which it
16 responded is also to be identified and produced.”

17 Plaintiff intends to produce electronically stored information in a reasonably usable form.

18 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
19 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
20 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
21 possession, custody, or control; and/or that is or should be available to Defendant and more
22 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

23 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
24 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
25 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
26 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
27 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.

Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
2 provide a full response until after further discovery is conducted.

3 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
4 assessment, or determination, which will be adjudicated only by a judge and/or jury.

5 Subject to and without waiver of these objections and Plaintiff's General Objections,
6 Plaintiff responds as follows:

7 The Court has not yet entered a scheduling order in this case; the Court has not set a date
8 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
9 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
10 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
11 Request as this action and discovery proceed. Subject to the foregoing objections and to the
12 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
13 documents as appropriate and, as discovery proceeds, will produce, before the close of
14 discovery in accordance with any scheduling order that the Court will issue in this case,
15 responsive and relevant documents that are neither privileged nor otherwise protected, are
16 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
17 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
18 she is willing to meet and confer regarding the scope of this Request.

19 **REQUEST FOR PRODUCTION NO. 17:**

20 All DOCUMENTS that EVIDENCE the allegation in paragraph 63 of the COMPLAINT
21 that "Plaintiff had taken a house-hunting trip to San Francisco in anticipation of relocating".

22 **RESPONSE TO REQUEST FOR PRODUCTION 17:**

23 In addition to the foregoing General Objections, each of which is specifically
24 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
25 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
26 calculated to lead to the discovery of admissible evidence and that is not proportional to the
27

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

1 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
 2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
 3 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 4 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 5 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 6 stored information from sources that are not reasonably accessible because of undue burden or
 7 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
 8 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
 9 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
 10 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
 11 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
 12 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
 13 objects to this Request to the extent it seeks production of electronically stored information in
 14 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
 15 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
 16 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
 17 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
 18 graphic material, however produced or reproduced and all other tangible objects, including, but
 19 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
 20 specified means] or other means” “and all drafts and summaries thereof” “and any
 21 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
 22 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
 23 produced” where “a document was prepared and several copies were made or if additional
 24 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
 25 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
 26 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
 27 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

1 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
3 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
4 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
5 including because the sought discovery is should be in Kirkland's or its co-defendants'
6 possession, custody, or control, the importance of the discovery sought from Plaintiff in
7 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
8 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
9 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
10 of the case, and a seeking discovery outside the scope of discovery permitted or required under
11 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
12 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
13 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
15 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
16 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
17 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
19 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
20 recorded or graphic material, however produced or reproduced and all other tangible objects,
21 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
22 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
23 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
24 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
25 produced" where "a document was prepared and several copies were made or if additional
26 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
27 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient

1 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
2 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
3 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
4 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
5 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
6 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
7 agreement among the parties. The Court has not yet entered a scheduling order in this case.

8 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
9 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
10 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
11 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
12 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
13 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
15 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
16 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
17 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
18 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
19 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
20 seeks discovery not limited to the relevant time period regarding the facts at issue in this
21 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
22 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

23 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
24 provide a full response until after further discovery is conducted.

25 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
26 assessment, or determination, which will be adjudicated only by a judge and/or jury.

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
9 documents as appropriate and, as discovery proceeds, will produce, before the close of
10 discovery in accordance with any scheduling order that the Court will issue in this case,
11 responsive and relevant documents that are neither privileged nor otherwise protected, are
12 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
13 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
14 she is willing to meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 18:**

16 All DOCUMENTS that EVIDENCE the allegations in paragraph 65 of the
17 COMPLAINT that Brandon Brown "told Plaintiff that the offer would require her to take a one-
18 year haircut in class year"; that "although Plaintiff had graduated law school in 2016, she would
19 be placed in the class of 2017 for purposes of compensation and reviews"; and that "Mr. Brown
20 claimed the lower classification would place Plaintiff in a better position for elevation to
21 partner".

22 **RESPONSE TO REQUEST FOR PRODUCTION 18:**

23 In addition to the foregoing General Objections, each of which is specifically
24 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
25 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
26 calculated to lead to the discovery of admissible evidence and that is not proportional to the
27

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or

1 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
3 it seeks production of electronically stored information that is unreasonably cumulative or
4 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
5 seeks production of electronically stored information that is or can be obtained from some other
6 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
7 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
8 production of electronically stored information that exceeds the scope of discovery permitted by
9 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
10 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
11 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
12 considering the importance of the issues at stake in the action, the amount in controversy, the
13 parties' relative access to relevant information, including Kirkland's access to relevant
14 information because relevant information sought is or should be in Kirkland's possession,
15 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
16 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
17 the at most de minimis importance of cumulative and duplicative discovery requested ad
18 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
19 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
20 this Request to the extent it seeks production of electronically stored information that is not in
21 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
22 defendants' possession, custody, or control; and/or that is or should be available to Defendant
23 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff further objects to this Request because it seeks production of electronically
25 stored information, including seeking discovery of duplicative and/or cumulative electronically
26 stored information, including without limitation to the extent this Request seeks "[a]ll"
27 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of

“DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

1 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
2 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
3 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
4 including because the sought discovery is should be in Kirkland's or its co-defendants'
5 possession, custody, or control, the importance of the discovery sought from Plaintiff in
6 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
7 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
8 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
9 of the case, and a seeking discovery outside the scope of discovery permitted or required under
10 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
11 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
12 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
14 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
15 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
16 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
17 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
18 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
19 recorded or graphic material, however produced or reproduced and all other tangible objects,
20 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
21 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
22 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
23 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
24 produced" where "a document was prepared and several copies were made or if additional
25 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
26 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
27 transmittal in any manner or received by any means by YOU" and/or "[w]herever such

DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and

1 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
2 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
3 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
4 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
5 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

6 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
7 full response until after further discovery is conducted.

8 Subject to and without waiver of these objections and Plaintiff’s General Objections,
9 Plaintiff responds as follows:

10 The Court has not yet entered a scheduling order in this case; the Court has not set a date
11 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
12 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
13 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
14 Request as this action and discovery proceed. Subject to the foregoing objections and to the
15 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
16 documents as appropriate and, as discovery proceeds, will produce, before the close of
17 discovery in accordance with any scheduling order that the Court will issue in this case,
18 responsive and relevant documents that are neither privileged nor otherwise protected, are
19 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
20 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
21 she is willing to meet and confer regarding the scope of this Request.

22 **REQUEST FOR PRODUCTION NO. 19:**

23 All DOCUMENTS that EVIDENCE the allegation in paragraph 66 of the COMPLAINT
24 that “the Firm tried to pay Plaintiff less than the amount stipulated in the offer letter, which
25 required Plaintiff to reach out to the Firm, including Mr. Alper, to rectify their attempts to
26 underpay Plaintiff”.

27 **RESPONSE TO REQUEST FOR PRODUCTION 19:**

1 In addition to the foregoing General Objections, each of which is specifically
 2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
 4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
 5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
 6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 10 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
 11 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 12 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 13 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 14 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 15 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 16 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 17 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 18 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 19 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
 20 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 22 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 23 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 24 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 25 production of electronically stored information, to the extent this Request seeks “[a]ll”
 26 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 27 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.

26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production

1 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
2 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
3 defendants' possession, custody, or control; and/or are or should be available to Defendant and
4 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
5 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
6 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
7 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
8 including because the sought discovery is should be in Kirkland's or its co-defendants'
9 possession, custody, or control, the importance of the discovery sought from Plaintiff in
10 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
11 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
12 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
13 of the case, and a seeking discovery outside the scope of discovery permitted or required under
14 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
15 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
16 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
18 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
19 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
20 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
21 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
22 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
23 recorded or graphic material, however produced or reproduced and all other tangible objects,
24 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
25 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
26 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
27 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
3 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
4 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
5 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
6 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
7 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
8 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
9 and government and government agency of every nature or type”; and/or to the extent this
10 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
11 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
12 envelopes, explanatory notes or memoranda, and any other material that accompanied the
13 document(s)” and “[i]f the specific document elicited a response, that response is also to be
14 identified and produced” and “[i]f the document was itself a response, the document to which it
15 responded is also to be identified and produced.”

16 Plaintiff intends to produce electronically stored information in a reasonably usable form.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
19 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
20 possession, custody, or control; and/or that is or should be available to Defendant and more
21 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
24 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
25 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
26 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
27 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS that EVIDENCE the allegation in paragraph 67 of the COMPLAINT that “Plaintiff had to request that her offer letter be revised to annualize her hours for the 2021 review and bonus period because the original language would have allowed Defendants to

1 reduce Plaintiff's December 2021 bonus because she began working at Kirkland after the 2021
2 review and bonus periods had begun".

3 **RESPONSE TO REQUEST FOR PRODUCTION 20:**

4 In addition to the foregoing General Objections, each of which is specifically
5 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
6 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
7 calculated to lead to the discovery of admissible evidence and that is not proportional to the
8 needs of this case, and as seeking discovery outside the permissible scope under the Federal
9 Rules and/or other applicable law.

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
11 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
12 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
13 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
14 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
15 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
16 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
17 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
18 cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS,"
19 "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative
20 complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of
21 "EVIDENCE," and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
22 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
23 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
25 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
26 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
27 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to

1 production of electronically stored information, to the extent this Request seeks “[a]ll”
2 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
3 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
5 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
6 objects to this Request to the extent it seeks production of electronically stored information
7 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
8 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
10 it seeks production of electronically stored information that is unreasonably cumulative or
11 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
12 seeks production of electronically stored information that is or can be obtained from some other
13 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
14 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
15 production of electronically stored information that exceeds the scope of discovery permitted by
16 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
17 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
18 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
19 considering the importance of the issues at stake in the action, the amount in controversy, the
20 parties’ relative access to relevant information, including Kirkland’s access to relevant
21 information because relevant information sought is or should be in Kirkland’s possession,
22 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
23 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
24 the at most de minimis importance of cumulative and duplicative discovery requested ad
25 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
26 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
27 this Request to the extent it seeks production of electronically stored information that is not in

Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 expense. Plaintiff further objects to this Request because it seeks production of electronically
 stored information, including seeking discovery of duplicative and/or cumulative electronically
 stored information, including without limitation to the extent this Request seeks "[a]ll"
 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 stored information from sources that are not reasonably accessible because of undue burden or
 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 to this Request to the extent it seeks production of electronically stored information in more than
 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 graphic material, however produced or reproduced and all other tangible objects, including, but
 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 specified means] or other means" "and all drafts and summaries thereof" "and any
 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule

1 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
2 produced” where “a document was prepared and several copies were made or if additional
3 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
4 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
5 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
6 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
7 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
8 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
9 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
10 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
11 including because the sought discovery is should be in Kirkland’s or its co-defendants’
12 possession, custody, or control, the importance of the discovery sought from Plaintiff in
13 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
14 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
15 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
16 of the case, and a seeking discovery outside the scope of discovery permitted or required under
17 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
18 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
19 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
21 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
22 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
23 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
25 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
26 recorded or graphic material, however produced or reproduced and all other tangible objects,
27 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether

1 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
2 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
3 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
4 produced” where “a document was prepared and several copies were made or if additional
5 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
6 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
7 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
8 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
9 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
10 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
11 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
12 and government and government agency of every nature or type”; and/or to the extent this
13 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
14 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
15 envelopes, explanatory notes or memoranda, and any other material that accompanied the
16 document(s)” and “[i]f the specific document elicited a response, that response is also to be
17 identified and produced” and “[i]f the document was itself a response, the document to which it
18 responded is also to be identified and produced.”

19 Plaintiff intends to produce electronically stored information in a reasonably usable form.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
21 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
22 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
23 possession, custody, or control; and/or that is or should be available to Defendant and more
24 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

25 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
26 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
27 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
28

Request seeks discovery that is neither relevant to any party's claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff's General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 21:

1 All DOCUMENTS that EVIDENCE the allegation in paragraph 69 of the COMPLAINT
2 that “Plaintiff and Mr. Walter performed the same or substantially the same work for Mr.
3 Deoras”.

4 **RESPONSE TO REQUEST FOR PRODUCTION 21:**

5 In addition to the foregoing General Objections, each of which is specifically
6 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
7 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
8 calculated to lead to the discovery of admissible evidence and that is not proportional to the
9 needs of this case, and as seeking discovery outside the permissible scope under the Federal
10 Rules and/or other applicable law.

11 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
12 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
13 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
14 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
15 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
16 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
17 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
18 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
19 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
20 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
21 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
22 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
23 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
24 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

25 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
26 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
27 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in

the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to

1 this Request to the extent it seeks production of electronically stored information that is not in
 2 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 3 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 4 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 5 expense. Plaintiff further objects to this Request because it seeks production of electronically
 6 stored information, including seeking discovery of duplicative and/or cumulative electronically
 7 stored information, including without limitation to the extent this Request seeks "[a]ll"
 8 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 9 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
 10 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 11 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 12 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 13 stored information from sources that are not reasonably accessible because of undue burden or
 14 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 15 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 16 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 17 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
 18 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 19 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 20 to this Request to the extent it seeks production of electronically stored information in more than
 21 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
 22 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 23 objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 24 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 25 graphic material, however produced or reproduced and all other tangible objects, including, but
 26 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 27 specified means] or other means" "and all drafts and summaries thereof" "and any

DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects,

1 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
2 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
3 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
4 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
5 produced” where “a document was prepared and several copies were made or if additional
6 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
7 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
8 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
9 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
10 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
11 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
12 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
13 and government and government agency of every nature or type”; and/or to the extent this
14 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
15 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
16 envelopes, explanatory notes or memoranda, and any other material that accompanied the
17 document(s)” and “[i]f the specific document elicited a response, that response is also to be
18 identified and produced” and “[i]f the document was itself a response, the document to which it
19 responded is also to be identified and produced.”

20 Plaintiff intends to produce electronically stored information in a reasonably usable form.

21 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
22 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
23 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
24 possession, custody, or control; and/or that is or should be available to Defendant and more
25 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll

DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature because Plaintiff cannot provide a full response until after further discovery is conducted. Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case,

responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS that EVIDENCE the allegation in paragraph 70 of the COMPLAINT that "Plaintiff and Mr. Blake both worked on Mr. Alper's and Mr. De Vries' cases and performed the same or substantially the same work for Mr. De Vries".

RESPONSE TO REQUEST FOR PRODUCTION 22:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.

26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
22 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
23 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
24 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
25 to this Request to the extent it seeks production of electronically stored information in more than
26 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
27 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff

1 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
6 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
7 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
8 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
9 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
11 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
12 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
14 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
15 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
16 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
17 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
18 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
20 full response until after further discovery is conducted. Plaintiff further objects to this Request
21 to the extent it requires a legal conclusion, assessment, or determination, which will be
22 adjudicated only by a judge and/or jury.

23 Subject to and without waiver of these objections and Plaintiff's General Objections,
24 Plaintiff responds as follows:

25 The Court has not yet entered a scheduling order in this case; the Court has not set a date
26 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
27 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,

and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS that EVIDENCE the allegation in paragraph 71 of the COMPLAINT that "Plaintiff and Mr. Calhoun both worked on Mr. Alper's and Mr. De Vries' cases and, on information and belief, performed the same or substantially the same work for Mr. De Vries".

RESPONSE TO REQUEST FOR PRODUCTION 23:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the

1 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 2 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 3 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 4 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 5 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 6 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 7 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

8 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 9 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 10 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 11 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 12 production of electronically stored information, to the extent this Request seeks “[a]ll”
 13 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 14 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 15 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 16 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 17 objects to this Request to the extent it seeks production of electronically stored information
 18 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 19 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 21 it seeks production of electronically stored information that is unreasonably cumulative or
 22 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 23 seeks production of electronically stored information that is or can be obtained from some other
 24 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 25 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 26 production of electronically stored information that exceeds the scope of discovery permitted by
 27 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 28

1 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
2 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
3 considering the importance of the issues at stake in the action, the amount in controversy, the
4 parties' relative access to relevant information, including Kirkland's access to relevant
5 information because relevant information sought is or should be in Kirkland's possession,
6 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
7 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
8 the at most de minimis importance of cumulative and duplicative discovery requested ad
9 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
10 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
11 this Request to the extent it seeks production of electronically stored information that is not in
12 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
13 defendants' possession, custody, or control; and/or that is or should be available to Defendant
14 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
15 expense. Plaintiff further objects to this Request because it seeks production of electronically
16 stored information, including seeking discovery of duplicative and/or cumulative electronically
17 stored information, including without limitation to the extent this Request seeks "[a]ll"
18 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
19 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
20 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
21 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
22 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
23 stored information from sources that are not reasonably accessible because of undue burden or
24 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
25 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
26 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
27 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are

not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under

the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
11 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
12 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
13 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
16 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
19 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
20 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
21 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
22 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
23 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
25 full response until after further discovery is conducted. Plaintiff further objects to this Request
26 to the extent it requires a legal conclusion, assessment, or determination, which will be
27 adjudicated only by a judge and/or jury.

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
9 documents as appropriate and, as discovery proceeds, will produce, before the close of
10 discovery in accordance with any scheduling order that the Court will issue in this case,
11 responsive and relevant documents that are neither privileged nor otherwise protected, are
12 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
13 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
14 she is willing to meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 24:**

16 All DOCUMENTS that EVIDENCE the allegations in paragraph 72 of the
17 COMPLAINT that "[a]lthough Christian Huehns, also an IP litigation associate, was a lower
18 class year than Plaintiff, one at least one occasion he and Plaintiff performed the same or
19 substantially the same work, e.g., due to staffing needs"; and that "Plaintiff and Mr. Huehns
20 performed the same or substantially the same work for, while supervised by and reporting to, Mr.
21 Deoras"

22 **RESPONSE TO REQUEST FOR PRODUCTION 24:**

23 In addition to the foregoing General Objections, each of which is specifically
24 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
25 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
26 calculated to lead to the discovery of admissible evidence and that is not proportional to the
27

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or

1 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
3 it seeks production of electronically stored information that is unreasonably cumulative or
4 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
5 seeks production of electronically stored information that is or can be obtained from some other
6 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
7 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
8 production of electronically stored information that exceeds the scope of discovery permitted by
9 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
10 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
11 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
12 considering the importance of the issues at stake in the action, the amount in controversy, the
13 parties' relative access to relevant information, including Kirkland's access to relevant
14 information because relevant information sought is or should be in Kirkland's possession,
15 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
16 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
17 the at most de minimis importance of cumulative and duplicative discovery requested ad
18 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
19 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
20 this Request to the extent it seeks production of electronically stored information that is not in
21 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
22 defendants' possession, custody, or control; and/or that is or should be available to Defendant
23 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff further objects to this Request because it seeks production of electronically
25 stored information, including seeking discovery of duplicative and/or cumulative electronically
26 stored information, including without limitation to the extent this Request seeks "[a]ll"
27 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of

1 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
2 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
4 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
5 stored information from sources that are not reasonably accessible because of undue burden or
6 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
7 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
8 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
9 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
10 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
11 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
12 to this Request to the extent it seeks production of electronically stored information in more than
13 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
14 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
15 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
16 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
17 graphic material, however produced or reproduced and all other tangible objects, including, but
18 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
19 specified means] or other means” “and all drafts and summaries thereof” “and any
20 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
21 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
22 produced” where “a document was prepared and several copies were made or if additional
23 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
24 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
25 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
26 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
27 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such

DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and

1 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
 2 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
 3 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
 4 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
 5 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

6 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
 7 full response until after further discovery is conducted. Plaintiff further objects to this Request
 8 to the extent it requires a legal conclusion, assessment, or determination, which will be
 9 adjudicated only by a judge and/or jury.

10 Subject to and without waiver of these objections and Plaintiff’s General Objections,
 11 Plaintiff responds as follows:

12 The Court has not yet entered a scheduling order in this case; the Court has not set a date
 13 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
 14 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
 15 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
 16 Request as this action and discovery proceed. Subject to the foregoing objections and to the
 17 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
 18 documents as appropriate and, as discovery proceeds, will produce, before the close of
 19 discovery in accordance with any scheduling order that the Court will issue in this case,
 20 responsive and relevant documents that are neither privileged nor otherwise protected, are
 21 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
 22 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
 23 she is willing to meet and confer regarding the scope of this Request.

24 **REQUEST FOR PRODUCTION NO. 25:**

25 All DOCUMENTS that EVIDENCE the allegations in paragraph 73 of the
 26 COMPLAINT that “although another IP litigation associate who was based out of the Firm’s
 27 San Francisco office (“Male Associate G”) was a lower class year (2018) than Plaintiff (2016

but classified as 2017 by Kirkland), on at least on occasion he and Plaintiff performed the same or substantially the same work, e.g., due to staffing needs”; and that “Plaintiff and Male Associate G performed the same or substantially the same work for Mr. Deoras while directly supervised by and reporting to Mr. Fahey”.

RESPONSE TO REQUEST FOR PRODUCTION 25:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

1 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
2 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
3 production of electronically stored information, to the extent this Request seeks “[a]ll”
4 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
5 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
6 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
7 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
8 objects to this Request to the extent it seeks production of electronically stored information
9 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
10 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
12 it seeks production of electronically stored information that is unreasonably cumulative or
13 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
14 seeks production of electronically stored information that is or can be obtained from some other
15 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
16 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
17 production of electronically stored information that exceeds the scope of discovery permitted by
18 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
19 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
20 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
21 considering the importance of the issues at stake in the action, the amount in controversy, the
22 parties’ relative access to relevant information, including Kirkland’s access to relevant
23 information because relevant information sought is or should be in Kirkland’s possession,
24 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
25 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
26 the at most de minimis importance of cumulative and duplicative discovery requested ad
27 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its

likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six

specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,

1 recorded or graphic material, however produced or reproduced and all other tangible objects,
2 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
3 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
4 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
5 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
8 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
9 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
10 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
11 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
12 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
13 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
14 and government and government agency of every nature or type”; and/or to the extent this
15 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
16 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
17 envelopes, explanatory notes or memoranda, and any other material that accompanied the
18 document(s)” and “[i]f the specific document elicited a response, that response is also to be
19 identified and produced” and “[i]f the document was itself a response, the document to which it
20 responded is also to be identified and produced.”

21 Plaintiff intends to produce electronically stored information in a reasonably usable form.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
24 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
25 possession, custody, or control; and/or that is or should be available to Defendant and more
26 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 2 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
 3 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
 4 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
 5 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
 6 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
 7 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
 8 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
 9 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
 10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
 11 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
 12 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
 13 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
 14 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
 15 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

16 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
 17 full response until after further discovery is conducted. Plaintiff further objects to this Request
 18 to the extent it requires a legal conclusion, assessment, or determination, which will be
 19 adjudicated only by a judge and/or jury.

20 Subject to and without waiver of these objections and Plaintiff’s General Objections,
 21 Plaintiff responds as follows:

22 The Court has not yet entered a scheduling order in this case; the Court has not set a date
 23 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
 24 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
 25 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
 26 Request as this action and discovery proceed. Subject to the foregoing objections and to the
 27 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
 28

documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS that EVIDENCE the allegations in paragraph 74 of the COMPLAINT that "Plaintiff's male comparators' jobs, e.g., as class-of-2016 associates, in the IP litigation group working for the same team (i.e., Mr. De Vries' and Mr. Alper's subset of the IP litigation group) and Plaintiff's job (as a Kirkland-labeled class-of-2017) associate in the IP litigation group: (i) involved similar levels of skill, i.e., similar levels of experience, ability, education, and training; (ii) involved similar levels of mental and physical exertion; (iii) involved similar levels of responsibility or accountability; and (iv) were performed under substantially similar working conditions, except for the discriminatory, hostile, and retaliatory environment to which Plaintiff was subjected by Defendants as a result of her sex and complaints regarding Defendant's unfair treatment of her"

RESPONSE TO REQUEST FOR PRODUCTION 26:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or

1 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
 2 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 3 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 4 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 5 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 6 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 7 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 8 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 9 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 10 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 11 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

12 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 13 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 14 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 15 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 16 production of electronically stored information, to the extent this Request seeks “[a]ll”
 17 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 18 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 19 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 20 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 21 objects to this Request to the extent it seeks production of electronically stored information
 22 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 23 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 25 it seeks production of electronically stored information that is unreasonably cumulative or
 26 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 27 seeks production of electronically stored information that is or can be obtained from some other
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1 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
2 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
3 production of electronically stored information that exceeds the scope of discovery permitted by
4 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
5 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
6 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
7 considering the importance of the issues at stake in the action, the amount in controversy, the
8 parties' relative access to relevant information, including Kirkland's access to relevant
9 information because relevant information sought is or should be in Kirkland's possession,
10 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
11 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
12 the at most de minimis importance of cumulative and duplicative discovery requested ad
13 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
14 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
15 this Request to the extent it seeks production of electronically stored information that is not in
16 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
17 defendants' possession, custody, or control; and/or that is or should be available to Defendant
18 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
19 expense. Plaintiff further objects to this Request because it seeks production of electronically
20 stored information, including seeking discovery of duplicative and/or cumulative electronically
21 stored information, including without limitation to the extent this Request seeks "[a]ll"
22 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
23 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
24 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
25 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
26 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
27 stored information from sources that are not reasonably accessible because of undue burden or
28

1 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
2 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
3 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
4 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
5 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
6 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
7 to this Request to the extent it seeks production of electronically stored information in more than
8 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
9 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
10 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
11 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
12 graphic material, however produced or reproduced and all other tangible objects, including, but
13 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
14 specified means] or other means” “and all drafts and summaries thereof” “and any
15 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
16 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
19 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
20 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
21 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
22 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
23 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
24 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
25 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
26 including because the sought discovery is should be in Kirkland’s or its co-defendants’
27 possession, custody, or control, the importance of the discovery sought from Plaintiff in

1 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
2 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
3 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
4 of the case, and as seeking discovery outside the scope of discovery permitted or required under
5 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
6 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
7 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
9 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
10 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
11 and as seeking discovery outside the scope of discovery permitted under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
13 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
14 recorded or graphic material, however produced or reproduced and all other tangible objects,
15 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
16 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
17 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
18 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
19 produced” where “a document was prepared and several copies were made or if additional
20 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
21 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
22 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
23 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
24 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
25 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
26 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
27 and government and government agency of every nature or type”; and/or to the extent this

Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
2 full response until after further discovery is conducted. Plaintiff further objects to this Request
3 to the extent it requires a legal conclusion, assessment, or determination, which will be
4 adjudicated only by a judge and/or jury.

5 Subject to and without waiver of these objections and Plaintiff's General Objections,
6 Plaintiff responds as follows:

7 The Court has not yet entered a scheduling order in this case; the Court has not set a date
8 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
9 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
10 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
11 Request as this action and discovery proceed. Subject to the foregoing objections and to the
12 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
13 documents as appropriate and, as discovery proceeds, will produce, before the close of
14 discovery in accordance with any scheduling order that the Court will issue in this case,
15 responsive and relevant documents that are neither privileged nor otherwise protected, are
16 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
17 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
18 she is willing to meet and confer regarding the scope of this Request.

19 **REQUEST FOR PRODUCTION NO. 27:**

20 All DOCUMENTS that EVIDENCE the allegations in paragraph 77 of the
21 COMPLAINT that "Plaintiff timely sent [Mr. Deoras] the requested work in mid-December
22 2020"; that "Plaintiff followed up with Mr. Deoras a few times"; and that "Mr. Deoras told
23 Plaintiff that he thought her analysis 'all makes sense,' that the next steps would likely happen
24 when Plaintiff was out on leave, so there was no need for Plaintiff to get involved, but that 'I
25 just wanted to let you know that I think this is good'"

26 **RESPONSE TO REQUEST FOR PRODUCTION 27:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
11 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
12 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
13 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
14 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
15 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
16 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
17 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
18 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
19 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
20 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
22 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
23 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
24 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
25 production of electronically stored information, to the extent this Request seeks “[a]ll”
26 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
27 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.

26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production

1 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
2 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
3 defendants' possession, custody, or control; and/or are or should be available to Defendant and
4 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
5 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
6 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
7 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
8 including because the sought discovery is should be in Kirkland's or its co-defendants'
9 possession, custody, or control, the importance of the discovery sought from Plaintiff in
10 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
11 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
12 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
13 of the case, and a seeking discovery outside the scope of discovery permitted or required under
14 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
15 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
16 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
18 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
19 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
20 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
21 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
22 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
23 recorded or graphic material, however produced or reproduced and all other tangible objects,
24 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
25 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
26 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
27 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
3 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
4 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
5 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
6 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
7 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
8 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
9 and government and government agency of every nature or type”; and/or to the extent this
10 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
11 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
12 envelopes, explanatory notes or memoranda, and any other material that accompanied the
13 document(s)” and “[i]f the specific document elicited a response, that response is also to be
14 identified and produced” and “[i]f the document was itself a response, the document to which it
15 responded is also to be identified and produced.”

16 Plaintiff intends to produce electronically stored information in a reasonably usable form.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
19 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
20 possession, custody, or control; and/or that is or should be available to Defendant and more
21 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
24 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
25 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
26 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
27 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS that EVIDENCE the allegations in paragraph 79 of the COMPLAINT that “[i]n November 2020, this assertion analysis included Mr. Fahey assigning last-minute work to Plaintiff and Male Associate Q over Thanksgiving, for which Mr. Fahey

1 knew Plaintiff would have to bear the laboring oar and would require Plaintiff to work on
 2 Thanksgiving (in addition to the day before and after); that “Mr. Fahey told Plaintiff that he
 3 struggled in working with Male Associate Q because it was difficult to get him to produce
 4 usable work, which is why Plaintiff was added to the assignment”; and that “Mr. Fahey
 5 indicated that Plaintiff’s efforts were a huge lift because Mr. Fahey did not have to continue to
 6 bother Male Associate Q to make progress on the assignment”.

7 **RESPONSE TO REQUEST FOR PRODUCTION 28:**

8 In addition to the foregoing General Objections, each of which is specifically
 9 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 10 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
 11 calculated to lead to the discovery of admissible evidence and that is not proportional to the
 12 needs of this case, and as seeking discovery outside the permissible scope under the Federal
 13 Rules and/or other applicable law.

14 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 15 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 16 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 17 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
 18 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 19 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 20 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 21 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 22 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 23 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 24 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 25 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 26 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 27 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
2 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
3 recorded or graphic material, however produced or reproduced and all other tangible objects,
4 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
5 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
6 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
7 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
10 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
11 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
12 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
13 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
14 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
15 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
16 and government and government agency of every nature or type”; and/or to the extent this
17 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
18 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
19 envelopes, explanatory notes or memoranda, and any other material that accompanied the
20 document(s)” and “[i]f the specific document elicited a response, that response is also to be
21 identified and produced” and “[i]f the document was itself a response, the document to which it
22 responded is also to be identified and produced.”

23 Plaintiff intends to produce electronically stored information in a reasonably usable form.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
26 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
27

1 possession, custody, or control; and/or that is or should be available to Defendant and more
2 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
15 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
16 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
17 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed. Subject to the foregoing objections and to the
25 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
26 documents as appropriate and, as discovery proceeds, will produce, before the close of
27 discovery in accordance with any scheduling order that the Court will issue in this case,

responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 29:

All DOCUMENTS that EVIDENCE the allegations in paragraph 80 of the COMPLAINT that "[e]very time Defendants Mr. Deoras, Mr. Fahey, Mr. Alper, and Kirkland were aware of Plaintiff having travel plans over weekends (e.g., for multiple national holidays and a brief scheduled vacation), Defendants Mr. Deoras, Mr. Fahey, Mr. Alper, and Kirkland assigned Plaintiff additional work either right before or during her planned travel, ensuring she would have substantial work to complete while traveling or attempting to take time off"; that "[a]nother female IP litigation associate who had been based out of the Firm's San Francisco office ("Female Associate G") told Plaintiff that she received a conspicuous uptick in work from Defendants that coincided directly with her travel plans, which made her think it was intentional"; and that "Defendants did not show a similar disregard for male associates' travel plans, holidays, and planned time off".

RESPONSE TO REQUEST FOR PRODUCTION 29:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation,

discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other

1 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
2 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
3 production of electronically stored information that exceeds the scope of discovery permitted by
4 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
5 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
6 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
7 considering the importance of the issues at stake in the action, the amount in controversy, the
8 parties' relative access to relevant information, including Kirkland's access to relevant
9 information because relevant information sought is or should be in Kirkland's possession,
10 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
11 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
12 the at most de minimis importance of cumulative and duplicative discovery requested ad
13 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
14 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
15 this Request to the extent it seeks production of electronically stored information that is not in
16 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
17 defendants' possession, custody, or control; and/or that is or should be available to Defendant
18 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
19 expense. Plaintiff further objects to this Request because it seeks production of electronically
20 stored information, including seeking discovery of duplicative and/or cumulative electronically
21 stored information, including without limitation to the extent this Request seeks "[a]ll"
22 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
23 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
24 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
25 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
26 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
27 stored information from sources that are not reasonably accessible because of undue burden or
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1 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
2 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
3 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
4 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
5 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
6 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
7 objects to this Request to the extent it seeks production of electronically stored information in
8 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
9 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
10 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
11 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
12 graphic material, however produced or reproduced and all other tangible objects, including, but
13 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
14 specified means] or other means” “and all drafts and summaries thereof” “and any
15 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
16 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
19 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
20 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
21 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
22 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
23 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
24 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
25 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
26 including because the sought discovery is should be in Kirkland’s or its co-defendants’
27 possession, custody, or control, the importance of the discovery sought from Plaintiff in
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1 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
2 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
3 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
4 of the case, and as seeking discovery outside the scope of discovery permitted or required under
5 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
6 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
7 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
9 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
10 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
11 and as seeking discovery outside the scope of discovery permitted under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
13 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
14 recorded or graphic material, however produced or reproduced and all other tangible objects,
15 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
16 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
17 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
18 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
19 produced” where “a document was prepared and several copies were made or if additional
20 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
21 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
22 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
23 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
24 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
25 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
26 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
27 and government and government agency of every nature or type”; and/or to the extent this

1 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
2 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
3 envelopes, explanatory notes or memoranda, and any other material that accompanied the
4 document(s)” and “[i]f the specific document elicited a response, that response is also to be
5 identified and produced” and “[i]f the document was itself a response, the document to which it
6 responded is also to be identified and produced.”

7 Plaintiff intends to produce electronically stored information in a reasonably usable form.

8 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
9 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
10 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
11 possession, custody, or control; and/or that is or should be available to Defendant and more
12 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

13 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
14 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
15 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
16 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
17 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
18 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
19 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
20 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
21 applicable privilege or protection, including without limitation the psychotherapist-patient
22 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
23 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
24 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
25 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
26 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
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1 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
2 agreement among the parties. The Court has not yet entered a scheduling order in this case.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
15 seeks discovery not limited to the relevant time period regarding the facts at issue in this
16 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
17 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Plaintiff further objects to this Request to the extent it is premature because Plaintiff
19 cannot provide a full response until after further discovery is conducted.

20 Subject to and without waiver of these objections and Plaintiff’s General Objections,
21 Plaintiff responds as follows:

22 The Court has not yet entered a scheduling order in this case; the Court has not set a date
23 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
24 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
25 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
26 Request as this action and discovery proceed. Subject to the foregoing objections and to the
27 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
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documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 30:

All DOCUMENTS that EVIDENCE the allegations in paragraph 81 of the Complaint that "[i]n December 2020, Mr. Fahey told Plaintiff that she was doing a great job on the assertion analysis. On December 17, 2020, Mr. Fahey sent Plaintiff's and Male Associate Q's infringement charting on the target-defendant's products, completed largely by Plaintiff, to Mr. Deoras and Ms. Schmidt for review. On December 18, 2020, Mr. Fahey emailed Plaintiff and Male Associate Q, thanking them 'for the hard work.' Per Mr. Fahey, 'Akshay [Deoras] was happy with the [target-defendant] chart.' Based on this infringement charting, Defendants Mr. Alper, Mr. De Vries, and Ms. Schmidt sought (and obtained) Firm approval to litigate with an alternative-fee arrangement (namely, with litigation funding), as relayed to Plaintiff by Defendants Mr. De Vries and Mr. Deoras."

RESPONSE TO REQUEST FOR PRODUCTION 30:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or

1 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
 2 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 3 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 4 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 5 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 6 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 7 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 8 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 9 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 10 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 11 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

12 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 13 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 14 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 15 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 16 production of electronically stored information, to the extent this Request seeks “[a]ll”
 17 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 18 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 19 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 20 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 21 objects to this Request to the extent it seeks production of electronically stored information
 22 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 23 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 25 it seeks production of electronically stored information that is unreasonably cumulative or
 26 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 27 seeks production of electronically stored information that is or can be obtained from some other

1 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
2 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
3 production of electronically stored information that exceeds the scope of discovery permitted by
4 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
5 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
6 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
7 considering the importance of the issues at stake in the action, the amount in controversy, the
8 parties' relative access to relevant information, including Kirkland's access to relevant
9 information because relevant information sought is or should be in Kirkland's possession,
10 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
11 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
12 the at most de minimis importance of cumulative and duplicative discovery requested ad
13 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
14 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
15 this Request to the extent it seeks production of electronically stored information that is not in
16 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
17 defendants' possession, custody, or control; and/or that is or should be available to Defendant
18 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
19 expense. Plaintiff further objects to this Request because it seeks production of electronically
20 stored information, including seeking discovery of duplicative and/or cumulative electronically
21 stored information, including without limitation to the extent this Request seeks "[a]ll"
22 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
23 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
24 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
25 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
26 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
27 stored information from sources that are not reasonably accessible because of undue burden or
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1 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
2 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
3 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
4 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
5 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
6 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
7 to this Request to the extent it seeks production of electronically stored information in more than
8 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
9 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
10 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
11 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
12 graphic material, however produced or reproduced and all other tangible objects, including, but
13 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
14 specified means] or other means” “and all drafts and summaries thereof” “and any
15 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
16 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
19 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
20 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
21 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
22 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
23 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
24 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
25 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
26 including because the sought discovery is should be in Kirkland’s or its co-defendants’
27 possession, custody, or control, the importance of the discovery sought from Plaintiff in
28

1 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
2 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
3 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
4 of the case, and as seeking discovery outside the scope of discovery permitted or required under
5 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
6 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
7 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
9 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
10 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
11 and as seeking discovery outside the scope of discovery permitted under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
13 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
14 recorded or graphic material, however produced or reproduced and all other tangible objects,
15 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
16 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
17 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
18 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
19 produced” where “a document was prepared and several copies were made or if additional
20 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
21 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
22 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
23 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
24 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
25 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
26 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
27 and government and government agency of every nature or type”; and/or to the extent this

Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
9 documents as appropriate and, as discovery proceeds, will produce, before the close of
10 discovery in accordance with any scheduling order that the Court will issue in this case,
11 responsive and relevant documents that are neither privileged nor otherwise protected, are
12 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
13 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
14 she is willing to meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 31:**

16 All DOCUMENTS that EVIDENCE the allegations in paragraph 83 of the
17 COMPLAINT that "a male associate in the IP litigation group ("Male Associate A"), who (like
18 Plaintiff) was based out of the San Francisco office, completed a substantially similar
19 assignment preparing an infringement charting for another target defendant as part of the same
20 litigation efforts. However, based on Male Associate A's infringement chart, Mr. Deoras
21 decided not to seek Firm approval to greenlight litigating the case against this other target
22 defendant—the opposite result of Plaintiff's work".

23 **RESPONSE TO REQUEST FOR PRODUCTION 31:**

24 In addition to the foregoing General Objections, each of which is specifically
25 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
26 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
27 calculated to lead to the discovery of admissible evidence and that is not proportional to the
28

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or

1 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
3 it seeks production of electronically stored information that is unreasonably cumulative or
4 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
5 seeks production of electronically stored information that is or can be obtained from some other
6 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
7 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
8 production of electronically stored information that exceeds the scope of discovery permitted by
9 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
10 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
11 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
12 considering the importance of the issues at stake in the action, the amount in controversy, the
13 parties' relative access to relevant information, including Kirkland's access to relevant
14 information because relevant information sought is or should be in Kirkland's possession,
15 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
16 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
17 the at most de minimis importance of cumulative and duplicative discovery requested ad
18 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
19 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
20 this Request to the extent it seeks production of electronically stored information that is not in
21 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
22 defendants' possession, custody, or control; and/or that is or should be available to Defendant
23 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff further objects to this Request because it seeks production of electronically
25 stored information, including seeking discovery of duplicative and/or cumulative electronically
26 stored information, including without limitation to the extent this Request seeks "[a]ll"
27 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of

1 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
2 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
4 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
5 stored information from sources that are not reasonably accessible because of undue burden or
6 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
7 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
8 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
9 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
10 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
11 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
12 to this Request to the extent it seeks production of electronically stored information in more than
13 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
14 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
15 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
16 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
17 graphic material, however produced or reproduced and all other tangible objects, including, but
18 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
19 specified means] or other means” “and all drafts and summaries thereof” “and any
20 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
21 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
22 produced” where “a document was prepared and several copies were made or if additional
23 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
24 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
25 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
26 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
27 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

1 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
2 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
3 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
4 including because the sought discovery is should be in Kirkland's or its co-defendants'
5 possession, custody, or control, the importance of the discovery sought from Plaintiff in
6 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
7 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
8 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
9 of the case, and a seeking discovery outside the scope of discovery permitted or required under
10 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
11 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
12 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
14 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
15 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
16 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
17 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
18 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
19 recorded or graphic material, however produced or reproduced and all other tangible objects,
20 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
21 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
22 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
23 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
24 produced" where "a document was prepared and several copies were made or if additional
25 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
26 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
27 transmittal in any manner or received by any means by YOU" and/or "[w]herever such

DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and

1 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
2 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
3 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
4 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
5 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

6 Subject to and without waiver of these objections and Plaintiff’s General Objections,
7 Plaintiff responds as follows:

8 The Court has not yet entered a scheduling order in this case; the Court has not set a date
9 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
10 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
11 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
12 Request as this action and discovery proceed. Subject to the foregoing objections and to the
13 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
14 documents as appropriate and, as discovery proceeds, will produce, before the close of
15 discovery in accordance with any scheduling order that the Court will issue in this case,
16 responsive and relevant documents that are neither privileged nor otherwise protected, are
17 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
18 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
19 she is willing to meet and confer regarding the scope of this Request.

20 **REQUEST FOR PRODUCTION NO. 32:**

21 All DOCUMENTS that EVIDENCE the allegations in paragraph 84 of the
22 COMPLAINT that “Mr. Fahey emailed Plaintiff and Male Associate Q at 5:33 pm PST / 8:33
23 pm EST and assigned—with no prior warning—infringement charting reading 19 claims
24 (including three independent claims) across two patents on the target defendant’s product” when
25 “Mr. Deoras and Mr. Fahey were aware that Plaintiff was on the east coast and had flown to
26 visit her parents for the weekend”.

27 **RESPONSE TO REQUEST FOR PRODUCTION 32:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
11 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
12 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
13 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
14 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
15 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
16 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
17 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
18 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
19 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
20 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
22 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
23 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
24 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
25 production of electronically stored information, to the extent this Request seeks “[a]ll”
26 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
27 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.

26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production

1 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
2 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
3 defendants' possession, custody, or control; and/or are or should be available to Defendant and
4 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
5 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
6 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
7 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
8 including because the sought discovery is should be in Kirkland's or its co-defendants'
9 possession, custody, or control, the importance of the discovery sought from Plaintiff in
10 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
11 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
12 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
13 of the case, and a seeking discovery outside the scope of discovery permitted or required under
14 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
15 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
16 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
18 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
19 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
20 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
21 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
22 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
23 recorded or graphic material, however produced or reproduced and all other tangible objects,
24 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
25 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
26 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
27 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
3 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
4 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
5 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
6 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
7 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
8 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
9 and government and government agency of every nature or type”; and/or to the extent this
10 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
11 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
12 envelopes, explanatory notes or memoranda, and any other material that accompanied the
13 document(s)” and “[i]f the specific document elicited a response, that response is also to be
14 identified and produced” and “[i]f the document was itself a response, the document to which it
15 responded is also to be identified and produced.”

16 Plaintiff intends to produce electronically stored information in a reasonably usable form.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
19 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
20 possession, custody, or control; and/or that is or should be available to Defendant and more
21 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
24 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
25 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
26 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
27 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 33:

All DOCUMENTS that EVIDENCE the allegations in paragraph 85 of the COMPLAINT that “[a] female associate who formerly worked in the IP litigation group at Kirkland (“Female Associate R”) and had performed work for the same partners at Kirkland as

1 Plaintiff (Defendants Ms. Schmidt, Mr. De Vries, and Mr. Alper) spoke to Plaintiff in the fall of
2 2021 about her experience at Kirkland”; that Female Associate R “worked in Kirkland’s IP
3 litigation group for approximately four years”; that Female Associate R “stated that, as
4 compared to male associates in the IP litigation group, she was given assignments under less
5 favorable conditions, such that she felt her time as a female associate was valued less”; that
6 Female Associate R “said that partners had a habit of dumping last-minute assignments on her
7 (e.g., on a Friday evening needing to be completed ASAP) but not on male associates”; that
8 Female Associate R “stated that male associates in the IP litigation group were able to rely on
9 their relationships with partners and get by at Kirkland while doing less, e.g., billing fewer hours
10 on cases, than female associates”; that “Female Associate R ultimately left Kirkland because she
11 felt undervalued and was not getting a fair shake at the Firm; and that “female associates in IP
12 litigation group shared Female Associate R’s negative experiences and expressed concerns
13 regarding their longevity at the Firm”.

14 **RESPONSE TO REQUEST FOR PRODUCTION 33:**

15 In addition to the foregoing General Objections, each of which is specifically
16 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
17 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
18 calculated to lead to the discovery of admissible evidence and that is not proportional to the
19 needs of this case, and as seeking discovery outside the permissible scope under the Federal
20 Rules and/or other applicable law.

21 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
22 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
23 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
24 duplicative of discovery sought in other Requests, including Requests regarding defamation,
25 discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
26 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
27 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,

1 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 2 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 3 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 4 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 5 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 6 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
 7 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
 8 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

9 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 10 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 11 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 12 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 13 production of electronically stored information, to the extent this Request seeks “[a]ll”
 14 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 15 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 17 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 18 objects to this Request to the extent it seeks production of electronically stored information
 19 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 20 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 22 it seeks production of electronically stored information that is unreasonably cumulative or
 23 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 24 seeks production of electronically stored information that is or can be obtained from some other
 25 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 26 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 27 production of electronically stored information that exceeds the scope of discovery permitted by
 28

1 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
2 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
3 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
4 considering the importance of the issues at stake in the action, the amount in controversy, the
5 parties' relative access to relevant information, including Kirkland's access to relevant
6 information because relevant information sought is or should be in Kirkland's possession,
7 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
8 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
9 the at most de minimis importance of cumulative and duplicative discovery requested ad
10 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
11 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
12 this Request to the extent it seeks production of electronically stored information that is not in
13 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
14 defendants' possession, custody, or control; and/or that is or should be available to Defendant
15 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
16 expense. Plaintiff further objects to this Request because it seeks production of electronically
17 stored information, including seeking discovery of duplicative and/or cumulative electronically
18 stored information, including without limitation to the extent this Request seeks "[a]ll"
19 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
20 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
21 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
22 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
23 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
24 stored information from sources that are not reasonably accessible because of undue burden or
25 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
26 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
27 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to

1 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
2 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
3 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
4 objects to this Request to the extent it seeks production of electronically stored information in
5 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
6 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
7 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
8 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
9 graphic material, however produced or reproduced and all other tangible objects, including, but
10 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
11 specified means] or other means" "and all drafts and summaries thereof" "and any
12 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
13 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
14 produced" where "a document was prepared and several copies were made or if additional
15 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
16 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
17 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or are or should be available to Defendant and
19 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
21 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
22 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
23 including because the sought discovery is should be in Kirkland's or its co-defendants'
24 possession, custody, or control, the importance of the discovery sought from Plaintiff in
25 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
26 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
27 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs

1 of the case, and a seeking discovery outside the scope of discovery permitted or required under
2 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
3 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
4 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
5 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
6 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
7 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
8 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
9 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
10 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
11 recorded or graphic material, however produced or reproduced and all other tangible objects,
12 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
13 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
14 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
15 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
16 produced” where “a document was prepared and several copies were made or if additional
17 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
18 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
19 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
20 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
21 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
22 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
23 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
24 and government and government agency of every nature or type”; and/or to the extent this
25 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
26 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
27 envelopes, explanatory notes or memoranda, and any other material that accompanied the

document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll

DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request to the extent it is premature because Plaintiff cannot provide a full response until after further discovery is conducted.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located

1 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
2 she is willing to meet and confer regarding the scope of this Request.

3 **REQUEST FOR PRODUCTION NO. 34:**

4 All DOCUMENTS that EVIDENCE the allegation in paragraph 85 of the COMPLAINT
5 that "Mr. Fahey consistently did not include share partner(s) on emails which he complimented
6 Plaintiff's work but generally included share partner(s) when complimenting male associates'
7 work".

8 **RESPONSE TO REQUEST FOR PRODUCTION 34:**

9 In addition to the foregoing General Objections, each of which is specifically
10 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
11 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
12 calculated to lead to the discovery of admissible evidence and that is not proportional to the
13 needs of this case, and as seeking discovery outside the permissible scope under the Federal
14 Rules and/or other applicable law.

15 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
16 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
17 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
18 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
19 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
20 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
21 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
22 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
23 cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS,"
24 "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative
25 complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of
26 "EVIDENCE," and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.

26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
 the at most de minimis importance of cumulative and duplicative discovery requested ad
 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
 this Request to the extent it seeks production of electronically stored information that is not in
 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 expense. Plaintiff further objects to this Request because it seeks production of electronically
 stored information, including seeking discovery of duplicative and/or cumulative electronically
 stored information, including without limitation to the extent this Request seeks "[a]ll"
 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 stored information from sources that are not reasonably accessible because of undue burden or
 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 to this Request to the extent it seeks production of electronically stored information in more than
 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff

1 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
6 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
7 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
8 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
9 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
11 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
12 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
14 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
15 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
16 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
17 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
18 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Subject to and without waiver of these objections and Plaintiff's General Objections,
20 Plaintiff responds as follows:

21 The Court has not yet entered a scheduling order in this case; the Court has not set a date
22 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
23 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
24 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
25 Request as this action and discovery proceed. Subject to the foregoing objections and to the
26 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
27 documents as appropriate and, as discovery proceeds, will produce, before the close of
28

discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS that EVIDENCE the allegation in paragraph 85 of the COMPLAINT that "Mr. Fahey indicated that he would need to review and submit their charting to Mr. Deoras that weekend, i.e., within around 24 hours. Given the prior difficulty in getting Male Associate Q to provide usable work, Mr. Fahey knew that Plaintiff would shoulder the lion's share of the surprise assignment and also was aware that she was traveling home to visit family. Plaintiff immediately responded to Mr. Fahey's request and agreed to get started. Male" Associate Q was unable to begin helping until very late that evening at earliest. Male Associate A stated he was unavailable to help when asked. That evening and early the next morning, Sunday, March 7, 2021, Plaintiff emailed Mr. Fahey, copying Mr. Deoras and Male Associate Q, attaching charting she completed for the independent claims and proposing a division of labor between Plaintiff and Male Associate Q to complete the remaining dependent claims. Later that morning, Mr. Fahey sent two responses close in time. First, he removed Mr. Deoras and Male Associate Q as recipients to privately compliment Plaintiff on her charting ("[n]ice quick/clean work"). Then he sent a response to Plaintiff, Mr. Deoras, and Male Associate Q, which omitted any praise. As a result of that work, the team secured litigation funding for the case."

RESPONSE TO REQUEST FOR PRODUCTION 35:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or

1 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
3 it seeks production of electronically stored information that is unreasonably cumulative or
4 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
5 seeks production of electronically stored information that is or can be obtained from some other
6 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
7 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
8 production of electronically stored information that exceeds the scope of discovery permitted by
9 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
10 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
11 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
12 considering the importance of the issues at stake in the action, the amount in controversy, the
13 parties' relative access to relevant information, including Kirkland's access to relevant
14 information because relevant information sought is or should be in Kirkland's possession,
15 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
16 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
17 the at most de minimis importance of cumulative and duplicative discovery requested ad
18 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
19 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
20 this Request to the extent it seeks production of electronically stored information that is not in
21 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
22 defendants' possession, custody, or control; and/or that is or should be available to Defendant
23 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff further objects to this Request because it seeks production of electronically
25 stored information, including seeking discovery of duplicative and/or cumulative electronically
26 stored information, including without limitation to the extent this Request seeks "[a]ll"
27 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of

“DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

1 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
2 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
3 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
4 including because the sought discovery is should be in Kirkland's or its co-defendants'
5 possession, custody, or control, the importance of the discovery sought from Plaintiff in
6 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
7 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
8 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
9 of the case, and a seeking discovery outside the scope of discovery permitted or required under
10 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
11 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
12 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
14 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
15 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
16 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
17 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
18 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
19 recorded or graphic material, however produced or reproduced and all other tangible objects,
20 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
21 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
22 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
23 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
24 produced" where "a document was prepared and several copies were made or if additional
25 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
26 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
27 transmittal in any manner or received by any means by YOU" and/or "[w]herever such

DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and

1 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
 2 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
 3 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
 4 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
 5 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

6 Subject to and without waiver of these objections and Plaintiff’s General Objections,
 7 Plaintiff responds as follows:

8 The Court has not yet entered a scheduling order in this case; the Court has not set a date
 9 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
 10 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
 11 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
 12 Request as this action and discovery proceed. Subject to the foregoing objections and to the
 13 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
 14 documents as appropriate and, as discovery proceeds, will produce, before the close of
 15 discovery in accordance with any scheduling order that the Court will issue in this case,
 16 responsive and relevant documents that are neither privileged nor otherwise protected, are
 17 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
 18 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
 19 she is willing to meet and confer regarding the scope of this Request.

20 **REQUEST FOR PRODUCTION NO. 36:**

21 All DOCUMENTS that EVIDENCE the allegation in paragraph 87 of the COMPLAINT
 22 that “[o]n May 7, 2021, Mr. Deoras told Plaintiff that the Firm and the litigation funder had both
 23 green-lit representing the inventor in asserting his IC patents because of Plaintiff’s work”.

24 **RESPONSE TO REQUEST FOR PRODUCTION 36:**

25 In addition to the foregoing General Objections, each of which is specifically
 26 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 27 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably

1 calculated to lead to the discovery of admissible evidence and that is not proportional to the
2 needs of this case, and as seeking discovery outside the permissible scope under the Federal
3 Rules and/or other applicable law.

4 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
5 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
6 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
7 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
8 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
9 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
10 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
11 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
12 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
13 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
14 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
15 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
16 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
17 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
19 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
20 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
21 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
22 production of electronically stored information, to the extent this Request seeks “[a]ll”
23 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
24 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
25 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
26 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
27 objects to this Request to the extent it seeks production of electronically stored information
28

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

“DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 stored information from sources that are not reasonably accessible because of undue burden or
 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 to this Request to the extent it seeks production of electronically stored information in more than
 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
 graphic material, however produced or reproduced and all other tangible objects, including, but
 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
 specified means] or other means” “and all drafts and summaries thereof” “and any
 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
 produced” where “a document was prepared and several copies were made or if additional
 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

1 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
3 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
4 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
5 including because the sought discovery is should be in Kirkland's or its co-defendants'
6 possession, custody, or control, the importance of the discovery sought from Plaintiff in
7 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
8 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
9 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
10 of the case, and a seeking discovery outside the scope of discovery permitted or required under
11 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
12 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
13 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
15 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
16 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
17 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
19 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
20 recorded or graphic material, however produced or reproduced and all other tangible objects,
21 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
22 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
23 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
24 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
25 produced" where "a document was prepared and several copies were made or if additional
26 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
27 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of

Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS that EVIDENCE the allegations in paragraph 88 of the COMPLAINT that “For the third assignment listed above, (see *supra* ¶ 76), Plaintiff drafted a successful dispositive motion for a subsidiary of the Firm’s most important client (“POPR No. 1”). Plaintiff would draft another successful dispositive motion for a related subsidiary of the same client (“POPR No. 2”). Plaintiff drafted these motions for Mr. Deoras, Male Non-Share Partner Y, Mr. Alper, and Mr. De Vries. Plaintiff’s work received high praise from the same

individuals, as well as from Ms. Schmidt and Male Share Partner C”; and that “they provided effusive praise to Plaintiff for her work on these POPRs”.

RESPONSE TO REQUEST FOR PRODUCTION 37:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including those regarding Plaintiff’s work on the referenced patent-owner preliminary responses (“POPRs”). *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in

the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to

1 this Request to the extent it seeks production of electronically stored information that is not in
 2 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 3 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 4 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 5 expense. Plaintiff further objects to this Request because it seeks production of electronically
 6 stored information, including seeking discovery of duplicative and/or cumulative electronically
 7 stored information, including without limitation to the extent this Request seeks "[a]ll"
 8 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 9 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
 10 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 11 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 12 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 13 stored information from sources that are not reasonably accessible because of undue burden or
 14 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 15 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 16 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 17 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
 18 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 19 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 20 to this Request to the extent it seeks production of electronically stored information in more than
 21 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
 22 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 23 objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 24 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 25 graphic material, however produced or reproduced and all other tangible objects, including, but
 26 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 27 specified means] or other means" "and all drafts and summaries thereof" "and any

DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects,

1 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
2 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
3 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
4 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
5 produced” where “a document was prepared and several copies were made or if additional
6 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
7 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
8 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
9 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
10 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
11 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
12 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
13 and government and government agency of every nature or type”; and/or to the extent this
14 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
15 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
16 envelopes, explanatory notes or memoranda, and any other material that accompanied the
17 document(s)” and “[i]f the specific document elicited a response, that response is also to be
18 identified and produced” and “[i]f the document was itself a response, the document to which it
19 responded is also to be identified and produced.”

20 Plaintiff intends to produce electronically stored information in a reasonably usable form.

21 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
22 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
23 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
24 possession, custody, or control; and/or that is or should be available to Defendant and more
25 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll

DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS that EVIDENCE the allegations in paragraph 90 of the COMPLAINT that “Plaintiff drafted POPR No. 2 in March 2021 in an abbreviated timeframe due to Mr. Deoras’ failure to timely assign this POPR”; that Mr. Deoras “apologized to Plaintiff because the assignment was ‘a little last minute’”; that “Male Non-Share Partner Y stated to Plaintiff several times that the turnaround (of two weeks and change) was very tight and that Mr. Deoras had “dropped the ball” by repeatedly failing to assign the POPR to an associate, despite Male Non-Share Partner Y’s persistent reminders to Mr. Deoras to do so during the three months before its filing deadline”.

RESPONSE TO REQUEST FOR PRODUCTION 38:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including those regarding the referenced POPRs. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s

definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the

parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than

one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

1 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
2 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
3 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
4 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
5 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
6 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
7 recorded or graphic material, however produced or reproduced and all other tangible objects,
8 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
9 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
10 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
11 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
12 produced” where “a document was prepared and several copies were made or if additional
13 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
14 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
15 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
16 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
17 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
18 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
19 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
20 and government and government agency of every nature or type”; and/or to the extent this
21 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
22 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
23 envelopes, explanatory notes or memoranda, and any other material that accompanied the
24 document(s)” and “[i]f the specific document elicited a response, that response is also to be
25 identified and produced” and “[i]f the document was itself a response, the document to which it
26 responded is also to be identified and produced.”

27 Plaintiff intends to produce electronically stored information in a reasonably usable form.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
3 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
4 possession, custody, or control; and/or that is or should be available to Defendant and more
5 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
8 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
9 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
10 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
11 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
12 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
13 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
14 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
16 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
17 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
18 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
19 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
20 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Subject to and without waiver of these objections and Plaintiff's General Objections,
22 Plaintiff responds as follows:

23 The Court has not yet entered a scheduling order in this case; the Court has not set a date
24 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
25 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
26 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
27 Request as this action and discovery proceed. Subject to the foregoing objections and to the

1 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
2 documents as appropriate and, as discovery proceeds, will produce, before the close of
3 discovery in accordance with any scheduling order that the Court will issue in this case,
4 responsive and relevant documents that are neither privileged nor otherwise protected, are
5 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
6 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
7 she is willing to meet and confer regarding the scope of this Request.

8 **REQUEST FOR PRODUCTION NO. 39:**

9 All DOCUMENTS that EVIDENCE the allegations in paragraph 90 of the
10 COMPLAINT that "Mr. Deoras highly praised Plaintiff's work on preliminary proceedings
11 before the PTAB, gushing that she did a 'fabulous job' on them".

12 **RESPONSE TO REQUEST FOR PRODUCTION 39:**

13 In addition to the foregoing General Objections, each of which is specifically
14 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
15 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
16 calculated to lead to the discovery of admissible evidence and that is not proportional to the
17 needs of this case, and as seeking discovery outside the permissible scope under the Federal
18 Rules and/or other applicable law.

19 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
20 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
21 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
22 duplicative of discovery sought in other Requests, including those regarding the POPRs. *See,*
23 *e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
24 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to
25 this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery
26 outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable
27 law because it seeks discovery that is cumulative and/or duplicative to the extent this Request

1 seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE”
 2 statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of
 3 “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1.
 4 *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B);
 5 *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
 6 26(g)(1)(B)–(C).

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 9 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 10 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 11 production of electronically stored information, to the extent this Request seeks “[a]ll”
 12 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 13 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 14 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 15 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 16 objects to this Request to the extent it seeks production of electronically stored information
 17 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 18 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 20 it seeks production of electronically stored information that is unreasonably cumulative or
 21 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 22 seeks production of electronically stored information that is or can be obtained from some other
 23 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 24 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 25 production of electronically stored information that exceeds the scope of discovery permitted by
 26 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 27 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
 28

not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.

Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll

DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
11 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
12 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
13 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
16 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
19 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
20 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
21 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
22 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
23 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Subject to and without waiver of these objections and Plaintiff’s General Objections,
25 Plaintiff responds as follows:

26 The Court has not yet entered a scheduling order in this case; the Court has not set a date
27 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
28

responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS that EVIDENCE the allegations in paragraph 91 of the COMPLAINT that "Male Non-Share Partner Y, who had worked at Kirkland in its IP litigation group since the beginning of his legal career eight years prior, told Plaintiff that he had 'never won a POPR' before prior to working with Plaintiff" and that "[h]is first POPR win was the one on which he directly supervised Plaintiff's work, POPR No. 2, on which, per Male Non-Share Partner Y, Plaintiff 'did the heavy lifting'".

RESPONSE TO REQUEST FOR PRODUCTION 40:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or

1 duplicative of discovery sought in other Requests, including those regarding the POPRs. *See,*
2 *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to
4 this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery
5 outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable
6 law because it seeks discovery that is cumulative and/or duplicative to the extent this Request
7 seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE”
8 statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of
9 “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1.
10 *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B);
11 *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
12 26(g)(1)(B)–(C).

13 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
14 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
15 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
16 the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to
17 production of electronically stored information, to the extent this Request seeks “[a]ll”
18 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
19 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
20 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
21 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
22 objects to this Request to the extent it seeks production of electronically stored information
23 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
24 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
25 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
26 it seeks production of electronically stored information that is unreasonably cumulative or
27 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it

1 seeks production of electronically stored information that is or can be obtained from some other
2 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
3 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
4 production of electronically stored information that exceeds the scope of discovery permitted by
5 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
6 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
7 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
8 considering the importance of the issues at stake in the action, the amount in controversy, the
9 parties' relative access to relevant information, including Kirkland's access to relevant
10 information because relevant information sought is or should be in Kirkland's possession,
11 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
12 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
13 the at most de minimis importance of cumulative and duplicative discovery requested ad
14 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
15 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
16 this Request to the extent it seeks production of electronically stored information that is not in
17 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or that is or should be available to Defendant
19 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff further objects to this Request because it seeks production of electronically
21 stored information, including seeking discovery of duplicative and/or cumulative electronically
22 stored information, including without limitation to the extent this Request seeks "[a]ll"
23 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
24 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
25 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
26 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
27 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
28

1 stored information from sources that are not reasonably accessible because of undue burden or
2 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
3 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
4 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
5 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
6 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
7 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
8 to this Request to the extent it seeks production of electronically stored information in more than
9 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
10 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
11 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
12 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
13 graphic material, however produced or reproduced and all other tangible objects, including, but
14 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
15 specified means] or other means” “and all drafts and summaries thereof” “and any
16 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
17 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
18 produced” where “a document was prepared and several copies were made or if additional
19 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
20 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
21 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
22 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
23 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
25 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
26 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
27 including because the sought discovery is should be in Kirkland’s or its co-defendants’

possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement,

1 and government and government agency of every nature or type”; and/or to the extent this
2 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
3 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
4 envelopes, explanatory notes or memoranda, and any other material that accompanied the
5 document(s)” and “[i]f the specific document elicited a response, that response is also to be
6 identified and produced” and “[i]f the document was itself a response, the document to which it
7 responded is also to be identified and produced.”

8 Plaintiff intends to produce electronically stored information in a reasonably usable form.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
11 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
12 possession, custody, or control; and/or that is or should be available to Defendant and more
13 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

14 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
15 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
16 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
17 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
18 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
19 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
21 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
22 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
24 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
25 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
26 discovery not limited to the relevant time period regarding the facts at issue in this litigation.

1 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
2 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

3 Subject to and without waiver of these objections and Plaintiff’s General Objections,
4 Plaintiff responds as follows:

5 The Court has not yet entered a scheduling order in this case; the Court has not set a date
6 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
7 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
8 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
9 Request as this action and discovery proceed. Subject to the foregoing objections and to the
10 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
11 documents as appropriate and, as discovery proceeds, will produce, before the close of
12 discovery in accordance with any scheduling order that the Court will issue in this case,
13 responsive and relevant documents that are neither privileged nor otherwise protected, are
14 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
15 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
16 she is willing to meet and confer regarding the scope of this Request.

17 **REQUEST FOR PRODUCTION NO. 41:**

18 All DOCUMENTS that EVIDENCE the allegation in paragraph 92 of the COMPLAINT
19 that “Plaintiff’s work on POPR Nos. 1 and 2 compared to similar work performed by male
20 associates, including by comparator Mr. Walter, illustrate Defendants’ discriminatory, disparate
21 treatment of Plaintiff as compared to male associates, particularly with respect to how
22 Defendant’s characterized such work in real time versus during the associate review process.”

23 **RESPONSE TO REQUEST FOR PRODUCTION 41:**

24 In addition to the foregoing General Objections, each of which is specifically
25 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
26 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
27 calculated to lead to the discovery of admissible evidence and that is not proportional to the

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including those regarding the POPRs. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

“DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 stored information from sources that are not reasonably accessible because of undue burden or
 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 to this Request to the extent it seeks production of electronically stored information in more than
 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
 graphic material, however produced or reproduced and all other tangible objects, including, but
 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
 specified means] or other means” “and all drafts and summaries thereof” “and any
 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
 produced” where “a document was prepared and several copies were made or if additional
 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of

Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS that EVIDENCE the allegation in paragraph 93 of the COMPLAINT that “For example, when Plaintiff drafted POPR No. 1, Plaintiff properly and effectively responded to the petitioner’s claim-construction argument. It is common knowledge that claim construction is an important part of patent litigation and may be case-dispositive. Mr. Deoras had another male associate in the IP litigation group, Mr. Huehns, copy Plaintiff’s claim-construction argument from POPR NO. 1 into Mr. Huehn’s POPR (which concerned the same

1 patent as POPR No. 1), to remedy Mr. Huehns' failure to adequately address claim construction
 2 in his POPR"

3 **RESPONSE TO REQUEST FOR PRODUCTION 42:**

4 In addition to the foregoing General Objections, each of which is specifically
 5 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 6 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
 7 calculated to lead to the discovery of admissible evidence and that is not proportional to the
 8 needs of this case, and as seeking discovery outside the permissible scope under the Federal
 9 Rules and/or other applicable law.

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 11 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 12 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 13 duplicative of discovery sought in other Requests, including those regarding the POPRs. *See,*
 14 *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
 15 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to
 16 this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery
 17 outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable
 18 law because it seeks discovery that is cumulative and/or duplicative to the extent this Request
 19 seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE"
 20 statements in a non-operative complaint, incorporates or relies on Kirkland's definition of
 21 "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction No. 1.
 22 *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B);
 23 *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
 24 26(g)(1)(B)–(C).

25 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 26 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 27 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in

the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to

1 this Request to the extent it seeks production of electronically stored information that is not in
 2 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 3 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 4 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 5 expense. Plaintiff further objects to this Request because it seeks production of electronically
 6 stored information, including seeking discovery of duplicative and/or cumulative electronically
 7 stored information, including without limitation to the extent this Request seeks "[a]ll"
 8 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 9 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
 10 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 11 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 12 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 13 stored information from sources that are not reasonably accessible because of undue burden or
 14 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 15 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 16 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 17 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
 18 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 19 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 20 to this Request to the extent it seeks production of electronically stored information in more than
 21 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
 22 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 23 objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 24 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 25 graphic material, however produced or reproduced and all other tangible objects, including, but
 26 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 27 specified means] or other means" "and all drafts and summaries thereof" "and any

DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects,

1 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
2 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
3 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
4 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
5 produced” where “a document was prepared and several copies were made or if additional
6 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
7 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
8 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
9 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
10 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
11 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
12 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
13 and government and government agency of every nature or type”; and/or to the extent this
14 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
15 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
16 envelopes, explanatory notes or memoranda, and any other material that accompanied the
17 document(s)” and “[i]f the specific document elicited a response, that response is also to be
18 identified and produced” and “[i]f the document was itself a response, the document to which it
19 responded is also to be identified and produced.”

20 Plaintiff intends to produce electronically stored information in a reasonably usable form.

21 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
22 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
23 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
24 possession, custody, or control; and/or that is or should be available to Defendant and more
25 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll

DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 43:

All DOCUMENTS that EVIDENCE the allegations in paragraph 94 of the COMPLAINT that “Plaintiff received high praise for her work on POPR Nos. 1 and 2 from Deoras via email and from Mr. Alper on a phone call”; that “Mr. Deoras also told Plaintiff that he used and borrowed a lot of Plaintiff’s work on POPR No. 1 and POPR No. 2”; and that “however, in his praise, Mr. Deoras expressly complimented the arguments that Plaintiff included in POPR Nos. 1 and 2.”

RESPONSE TO REQUEST FOR PRODUCTION 43:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including those regarding the POPRs. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B);

1 *see also*, e.g., Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
 2 26(g)(1)(B)–(C).

3 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 4 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 5 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 6 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 7 production of electronically stored information, to the extent this Request seeks “[a]ll”
 8 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 9 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 10 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 11 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also*, e.g., Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 12 objects to this Request to the extent it seeks production of electronically stored information
 13 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 14 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 16 it seeks production of electronically stored information that is unreasonably cumulative or
 17 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 18 seeks production of electronically stored information that is or can be obtained from some other
 19 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 20 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 21 production of electronically stored information that exceeds the scope of discovery permitted by
 22 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 23 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
 24 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
 25 considering the importance of the issues at stake in the action, the amount in controversy, the
 26 parties’ relative access to relevant information, including Kirkland’s access to relevant
 27 information because relevant information sought is or should be in Kirkland’s possession,

custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
 the at most de minimis importance of cumulative and duplicative discovery requested ad
 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
 this Request to the extent it seeks production of electronically stored information that is not in
 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 expense. Plaintiff further objects to this Request because it seeks production of electronically
 stored information, including seeking discovery of duplicative and/or cumulative electronically
 stored information, including without limitation to the extent this Request seeks "[a]ll"
 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 stored information from sources that are not reasonably accessible because of undue burden or
 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 to this Request to the extent it seeks production of electronically stored information in more than
 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff

1 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
28

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
 2 possession, custody, or control; and/or that is or should be available to Defendant and more
 3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 5 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
 6 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
 7 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
 8 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
 9 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
 10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
 11 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
 12 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
 13 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
 14 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
 15 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
 16 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
 17 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
 18 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Subject to and without waiver of these objections and Plaintiff's General Objections,
 20 Plaintiff responds as follows:

21 The Court has not yet entered a scheduling order in this case; the Court has not set a date
 22 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
 23 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
 24 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
 25 Request as this action and discovery proceed. Subject to the foregoing objections and to the
 26 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
 27 documents as appropriate and, as discovery proceeds, will produce, before the close of
 28

discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 44:

All DOCUMENTS that EVIDENCE the allegations in paragraph 95 of the COMPLAINT that "On information and belief, Mr. Huehns' failure to include the important, aforementioned claim-construction argument was not included in Mr. Deoras' 'evaluation' of his work. Mr. Huehns is still employed as an IP litigation associate and in good standing at Kirkland while Plaintiff was fired based in part on Defendants' defamatory, patently-false characterization of Plaintiff's work on POPR Nos. 1 and 2."

RESPONSE TO REQUEST FOR PRODUCTION 44:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including those regarding the POPRs. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable

law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically

1 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
2 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
3 considering the importance of the issues at stake in the action, the amount in controversy, the
4 parties' relative access to relevant information, including Kirkland's access to relevant
5 information because relevant information sought is or should be in Kirkland's possession,
6 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
7 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
8 the at most de minimis importance of cumulative and duplicative discovery requested ad
9 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
10 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
11 this Request to the extent it seeks production of electronically stored information that is not in
12 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
13 defendants' possession, custody, or control; and/or that is or should be available to Defendant
14 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
15 expense. Plaintiff further objects to this Request because it seeks production of electronically
16 stored information, including seeking discovery of duplicative and/or cumulative electronically
17 stored information, including without limitation to the extent this Request seeks "[a]ll"
18 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
19 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
20 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
21 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
22 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
23 stored information from sources that are not reasonably accessible because of undue burden or
24 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
25 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
26 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
27 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are

not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under

1 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
2 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
3 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
4 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
5 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
6 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
7 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
8 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
9 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
10 recorded or graphic material, however produced or reproduced and all other tangible objects,
11 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
12 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
13 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
14 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
15 produced” where “a document was prepared and several copies were made or if additional
16 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
17 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
18 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
19 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
20 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
21 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
22 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
23 and government and government agency of every nature or type”; and/or to the extent this
24 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
25 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
26 envelopes, explanatory notes or memoranda, and any other material that accompanied the
27 document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
11 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
12 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
13 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
16 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
19 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
20 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
21 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
22 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
23 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Subject to and without waiver of these objections and Plaintiff’s General Objections,
25 Plaintiff responds as follows:

26 The Court has not yet entered a scheduling order in this case; the Court has not set a date
27 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
28

responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 45:

All DOCUMENTS that EVIDENCE the allegations in paragraph 97 of the COMPLAINT that "Mr. Walter sent to Mr. Deoras for his review an incomplete chart, which without explanation was missing roughly more than a quarter of its substantive contents"; that "Mr. Deoras responded that at most only two of the 17 proposed terms were potentially helpful"; that "Mr. Deoras conveyed to Mr. Walter that his work was largely ineffectual"; and that "Mr. Deoras still thanked Mr. Walter for his efforts".

RESPONSE TO REQUEST FOR PRODUCTION 45:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or

1 duplicative of discovery sought in other Requests, including those regarding the POPRs. *See,*
 2 *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
 3 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to
 4 this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery
 5 outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable
 6 law because it seeks discovery that is cumulative and/or duplicative to the extent this Request
 7 seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE”
 8 statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of
 9 “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1.
 10 *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B);
 11 *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
 12 26(g)(1)(B)–(C).

13 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 14 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 15 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 16 the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to
 17 production of electronically stored information, to the extent this Request seeks “[a]ll”
 18 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 19 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 20 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 21 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 22 objects to this Request to the extent it seeks production of electronically stored information
 23 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 24 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 25 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 26 it seeks production of electronically stored information that is unreasonably cumulative or
 27 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it

1 seeks production of electronically stored information that is or can be obtained from some other
2 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
3 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
4 production of electronically stored information that exceeds the scope of discovery permitted by
5 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
6 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
7 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
8 considering the importance of the issues at stake in the action, the amount in controversy, the
9 parties' relative access to relevant information, including Kirkland's access to relevant
10 information because relevant information sought is or should be in Kirkland's possession,
11 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
12 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
13 the at most de minimis importance of cumulative and duplicative discovery requested ad
14 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
15 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
16 this Request to the extent it seeks production of electronically stored information that is not in
17 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or that is or should be available to Defendant
19 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff further objects to this Request because it seeks production of electronically
21 stored information, including seeking discovery of duplicative and/or cumulative electronically
22 stored information, including without limitation to the extent this Request seeks "[a]ll"
23 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
24 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
25 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
26 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
27 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
28

1 stored information from sources that are not reasonably accessible because of undue burden or
2 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
3 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
4 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
5 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
6 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
7 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
8 to this Request to the extent it seeks production of electronically stored information in more than
9 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
10 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
11 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
12 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
13 graphic material, however produced or reproduced and all other tangible objects, including, but
14 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
15 specified means] or other means” “and all drafts and summaries thereof” “and any
16 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
17 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
18 produced” where “a document was prepared and several copies were made or if additional
19 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
20 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
21 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
22 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
23 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
25 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
26 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
27 including because the sought discovery is should be in Kirkland’s or its co-defendants’

possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement,

1 and government and government agency of every nature or type”; and/or to the extent this
2 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
3 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
4 envelopes, explanatory notes or memoranda, and any other material that accompanied the
5 document(s)” and “[i]f the specific document elicited a response, that response is also to be
6 identified and produced” and “[i]f the document was itself a response, the document to which it
7 responded is also to be identified and produced.”

8 Plaintiff intends to produce electronically stored information in a reasonably usable form.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
11 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
12 possession, custody, or control; and/or that is or should be available to Defendant and more
13 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

14 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
15 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
16 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
17 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
18 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
19 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
21 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
22 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
24 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
25 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
26 discovery not limited to the relevant time period regarding the facts at issue in this litigation.

1 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
2 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

3 Subject to and without waiver of these objections and Plaintiff’s General Objections,
4 Plaintiff responds as follows:

5 The Court has not yet entered a scheduling order in this case; the Court has not set a date
6 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
7 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
8 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
9 Request as this action and discovery proceed. Subject to the foregoing objections and to the
10 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
11 documents as appropriate and, as discovery proceeds, will produce, before the close of
12 discovery in accordance with any scheduling order that the Court will issue in this case,
13 responsive and relevant documents that are neither privileged nor otherwise protected, are
14 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
15 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
16 she is willing to meet and confer regarding the scope of this Request.

17 **REQUEST FOR PRODUCTION NO. 46:**

18 All DOCUMENTS that EVIDENCE the allegations in paragraph 98 of the
19 COMPLAINT that “In contrast, Plaintiff’s claim construction argument in POPR No. 1 was
20 transplanted into other Mr. Huehns’ POPR at Mr. Deoras’ direction, and Mr. Deoras continued
21 to use Plaintiff’s POPR arguments on other POPRs, demonstrating their value and eliciting
22 express praise from Mr. Deoras. For example, as discussed below, Mr. Deoras emailed Plaintiff
23 in June 2021 and said ‘we were able to use a lot of your work on [POPR No. 2] with [two
24 POPRs that were drafted by another associate and resulted in noninstitution]. Congrats on a
25 great result!’ Moreover, Plaintiff had never been told that any of her work was ineffectual, let
26 alone almost entirely useless, in contradiction to the falsehoods in Defendants’ ‘evaluations’ of
27 Plaintiff.”

RESPONSE TO REQUEST FOR PRODUCTION 46:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including those regarding the POPRs. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll”

1 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
4 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information
6 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
7 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
9 it seeks production of electronically stored information that is unreasonably cumulative or
10 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
11 seeks production of electronically stored information that is or can be obtained from some other
12 source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-
13 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
14 production of electronically stored information that exceeds the scope of discovery permitted by
15 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
16 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
17 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
18 considering the importance of the issues at stake in the action, the amount in controversy, the
19 parties’ relative access to relevant information, including Kirkland’s access to relevant
20 information because relevant information sought is or should be in Kirkland’s possession,
21 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
22 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
23 the at most de minimis importance of cumulative and duplicative discovery requested ad
24 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
25 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
26 this Request to the extent it seeks production of electronically stored information that is not in
27 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-

defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
3 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
4 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
5 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
6 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
7 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
8 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
9 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
10 including because the sought discovery is should be in Kirkland’s or its co-defendants’
11 possession, custody, or control, the importance of the discovery sought from Plaintiff in
12 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
13 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
14 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
15 of the case, and a seeking discovery outside the scope of discovery permitted or required under
16 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
17 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
18 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
20 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
21 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
22 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
24 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
25 recorded or graphic material, however produced or reproduced and all other tangible objects,
26 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
27 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and

1 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
2 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
3 produced” where “a document was prepared and several copies were made or if additional
4 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
5 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
6 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
7 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
8 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
9 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
10 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
11 and government and government agency of every nature or type”; and/or to the extent this
12 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
13 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
14 envelopes, explanatory notes or memoranda, and any other material that accompanied the
15 document(s)” and “[i]f the specific document elicited a response, that response is also to be
16 identified and produced” and “[i]f the document was itself a response, the document to which it
17 responded is also to be identified and produced.”

18 Plaintiff intends to produce electronically stored information in a reasonably usable form.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
21 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
22 possession, custody, or control; and/or that is or should be available to Defendant and more
23 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
26 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
27 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional

1 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
2 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
4 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
5 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
7 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
8 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
9 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
10 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
11 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

12 Subject to and without waiver of these objections and Plaintiff’s General Objections,
13 Plaintiff responds as follows:

14 The Court has not yet entered a scheduling order in this case; the Court has not set a date
15 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
16 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
17 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
18 Request as this action and discovery proceed. Subject to the foregoing objections and to the
19 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
20 documents as appropriate and, as discovery proceeds, will produce, before the close of
21 discovery in accordance with any scheduling order that the Court will issue in this case,
22 responsive and relevant documents that are neither privileged nor otherwise protected, are
23 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
24 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
25 she is willing to meet and confer regarding the scope of this Request.

26 **REQUEST FOR PRODUCTION NO. 47:**

1 All DOCUMENTS that EVIDENCE the allegation in paragraph 100 of the
2 COMPLAINT that “[o]n Monday, April 5, 2021, Mr. Alper called Plaintiff and told her that she
3 had done ‘excellent’ work on the POPRs and that he had spoken to Mr. Deoras regarding the
4 same”.

5 **RESPONSE TO REQUEST FOR PRODUCTION 47:**

6 In addition to the foregoing General Objections, each of which is specifically
7 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
8 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
9 calculated to lead to the discovery of admissible evidence and that is not proportional to the
10 needs of this case, and as seeking discovery outside the permissible scope under the Federal
11 Rules and/or other applicable law.

12 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
13 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
14 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
15 duplicative of discovery sought in other Requests, including those regarding the POPRs. *See,*
16 *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
17 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to
18 this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery
19 outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable
20 law because it seeks discovery that is cumulative and/or duplicative to the extent this Request
21 seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE”
22 statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of
23 “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1.
24 *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B);
25 *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
26 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s

1 possession, custody, or control; and/or that is or should be available to Defendant and more
2 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
15 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
16 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
17 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed. Subject to the foregoing objections and to the
25 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
26 documents as appropriate and, as discovery proceeds, will produce, before the close of
27 discovery in accordance with any scheduling order that the Court will issue in this case,

responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 48:

All DOCUMENTS that EVIDENCE the allegations paragraph 101 of the COMPLAINT that "Male Share Partner C complimented Plaintiff's '[g]reat job' on 'identifying [the petition's] deficiency and pressing it'; that "[h]e praised Plaintiff's '[t]errific work,' stating that the win would 'help immensely' in district-court litigation"; and that "Defendants Mr. Deoras, Mr. Alper, Mr. De Vries, and Ms. Schmidt all received this email".

RESPONSE TO REQUEST FOR PRODUCTION 48:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including those regarding the POPRs. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE"

statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,

1 considering the importance of the issues at stake in the action, the amount in controversy, the
2 parties' relative access to relevant information, including Kirkland's access to relevant
3 information because relevant information sought is or should be in Kirkland's possession,
4 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
5 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
6 the at most de minimis importance of cumulative and duplicative discovery requested ad
7 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
8 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
9 this Request to the extent it seeks production of electronically stored information that is not in
10 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
11 defendants' possession, custody, or control; and/or that is or should be available to Defendant
12 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
13 expense. Plaintiff further objects to this Request because it seeks production of electronically
14 stored information, including seeking discovery of duplicative and/or cumulative electronically
15 stored information, including without limitation to the extent this Request seeks "[a]ll"
16 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
17 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
18 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
19 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
20 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
21 stored information from sources that are not reasonably accessible because of undue burden or
22 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
23 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
24 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
25 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
26 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
27 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects

1 to this Request to the extent it seeks production of electronically stored information in more than
2 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
3 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
4 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
5 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
6 graphic material, however produced or reproduced and all other tangible objects, including, but
7 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
8 specified means] or other means” “and all drafts and summaries thereof” “and any
9 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
10 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
11 produced” where “a document was prepared and several copies were made or if additional
12 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
13 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
14 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
15 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
16 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
18 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
19 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
20 including because the sought discovery is should be in Kirkland’s or its co-defendants’
21 possession, custody, or control, the importance of the discovery sought from Plaintiff in
22 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
23 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
24 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
25 of the case, and a seeking discovery outside the scope of discovery permitted or required under
26 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
27 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require

1 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
3 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
4 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
5 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
7 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
8 recorded or graphic material, however produced or reproduced and all other tangible objects,
9 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
10 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
11 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
12 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
13 produced” where “a document was prepared and several copies were made or if additional
14 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
15 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
16 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
17 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
18 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
19 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
20 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
21 and government and government agency of every nature or type”; and/or to the extent this
22 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
23 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
24 envelopes, explanatory notes or memoranda, and any other material that accompanied the
25 document(s)” and “[i]f the specific document elicited a response, that response is also to be
26 identified and produced” and “[i]f the document was itself a response, the document to which it
27 responded is also to be identified and produced.”

1 Plaintiff intends to produce electronically stored information in a reasonably usable form.

2 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
3 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
4 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
5 possession, custody, or control; and/or that is or should be available to Defendant and more
6 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

7 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
8 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
9 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
10 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
11 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
12 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

14 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
15 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
16 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
17 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
18 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
19 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
20 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
21 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

22 Subject to and without waiver of these objections and Plaintiff's General Objections,
23 Plaintiff responds as follows:

24 The Court has not yet entered a scheduling order in this case; the Court has not set a date
25 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
26 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
27 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this

Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 49:

All DOCUMENTS that EVIDENCE the allegations in paragraph 102 of the COMPLAINT that "[i]n June 2021...Mr. Alper and Mr. De Vries emailed the team thread complimenting Plaintiff's work".

RESPONSE TO REQUEST FOR PRODUCTION 49:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including those regarding the POPRs. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable

law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically

1 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
2 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
3 considering the importance of the issues at stake in the action, the amount in controversy, the
4 parties' relative access to relevant information, including Kirkland's access to relevant
5 information because relevant information sought is or should be in Kirkland's possession,
6 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
7 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
8 the at most de minimis importance of cumulative and duplicative discovery requested ad
9 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
10 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
11 this Request to the extent it seeks production of electronically stored information that is not in
12 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
13 defendants' possession, custody, or control; and/or that is or should be available to Defendant
14 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
15 expense. Plaintiff further objects to this Request because it seeks production of electronically
16 stored information, including seeking discovery of duplicative and/or cumulative electronically
17 stored information, including without limitation to the extent this Request seeks "[a]ll"
18 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
19 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
20 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
21 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
22 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
23 stored information from sources that are not reasonably accessible because of undue burden or
24 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
25 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
26 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
27 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are

not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under

1 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
2 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
3 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
4 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
5 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
6 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
7 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
8 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
9 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
10 recorded or graphic material, however produced or reproduced and all other tangible objects,
11 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
12 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
13 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
14 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
15 produced” where “a document was prepared and several copies were made or if additional
16 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
17 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
18 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
19 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
20 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
21 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
22 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
23 and government and government agency of every nature or type”; and/or to the extent this
24 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
25 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
26 envelopes, explanatory notes or memoranda, and any other material that accompanied the
27 document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
11 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
12 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
13 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
16 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
19 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
20 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
21 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
22 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
23 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Subject to and without waiver of these objections and Plaintiff’s General Objections,
25 Plaintiff responds as follows:

26 The Court has not yet entered a scheduling order in this case; the Court has not set a date
27 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
28

responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 50:

All DOCUMENTS that EVIDENCE the allegations in paragraph 103 of the COMPLAINT that "Mr. Deoras sent a gushing email to Plaintiff, copying his supervisors, Mr. Alper and Mr. De Vries, stating: 'Zoya, just wanted to say that you really did a fabulous job with these,' referencing all of Plaintiff's work on preliminary proceedings, which resulted only in noninstitution"; that "Mr. Deoras raved that Plaintiff's successes were 'key wins'"; that "Mr. Alper responded, stating: 'Great job Zoya. What a terrific series of results'"; and that "Mr. De Vries responded, stating: 'Same – great job, Zoya; this is terrific to see'".

RESPONSE TO REQUEST FOR PRODUCTION 50:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including those regarding the POPRs. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or

1 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
2 seeks production of electronically stored information that is or can be obtained from some other
3 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
4 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
5 production of electronically stored information that exceeds the scope of discovery permitted by
6 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
7 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
8 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
9 considering the importance of the issues at stake in the action, the amount in controversy, the
10 parties' relative access to relevant information, including Kirkland's access to relevant
11 information because relevant information sought is or should be in Kirkland's possession,
12 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
13 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
14 the at most de minimis importance of cumulative and duplicative discovery requested ad
15 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
16 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
17 this Request to the extent it seeks production of electronically stored information that is not in
18 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or that is or should be available to Defendant
20 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff further objects to this Request because it seeks production of electronically
22 stored information, including seeking discovery of duplicative and/or cumulative electronically
23 stored information, including without limitation to the extent this Request seeks "[a]ll"
24 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
25 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
26 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
27 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.

34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,

including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent "YOU" and "YOUR" includes "any other PERSON representing" Plaintiff "or acting on her behalf," and/or to the extent "PERSON" means "any natural person, firm, entity, corporation,

1 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
2 and government and government agency of every nature or type”; and/or to the extent this
3 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
4 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
5 envelopes, explanatory notes or memoranda, and any other material that accompanied the
6 document(s)” and “[i]f the specific document elicited a response, that response is also to be
7 identified and produced” and “[i]f the document was itself a response, the document to which it
8 responded is also to be identified and produced.”

9 Plaintiff intends to produce electronically stored information in a reasonably usable form.

10 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
11 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
12 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
13 possession, custody, or control; and/or that is or should be available to Defendant and more
14 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

15 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
16 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
17 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
18 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
19 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
20 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
22 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
23 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
25 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
26 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
27 discovery not limited to the relevant time period regarding the facts at issue in this litigation.

1 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
2 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

3 Subject to and without waiver of these objections and Plaintiff’s General Objections,
4 Plaintiff responds as follows:

5 The Court has not yet entered a scheduling order in this case; the Court has not set a date for the
6 close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive,
7 relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff
8 reserves all rights to amend, modify, and/or supplement her response to this Request as this action
9 and discovery proceed. Subject to the foregoing objections and to the extent consistent with the
10 same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and,
11 as discovery proceeds, will produce, before the close of discovery in accordance with any
12 scheduling order that the Court will issue in this case, responsive and relevant documents that are
13 neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control,
14 are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any
15 such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of
16 this Request.

17 **REQUEST FOR PRODUCTION NO. 51:**

18 All DOCUMENTS that EVIDENCE the allegation in paragraph 104 of the
19 COMPLAINT that “The best estimate, based on publicly available data, of the probability of
20 both of Plaintiff’s POPRs successfully resulting in the PTAB denying institution of IPRs is
21 approximately 16.81%. In sum, every POPR Plaintiff touched turned to gold”.

22 **RESPONSE TO REQUEST FOR PRODUCTION 51:**

23 In addition to the foregoing General Objections, each of which is specifically
24 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
25 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
26 calculated to lead to the discovery of admissible evidence and that is not proportional to the
27 needs of this case, and as seeking discovery outside the permissible scope under the Federal
28 Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, e.g., in Request Nos. 51 and 53. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably

accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not

relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent

1 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
2 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
3 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
4 and government and government agency of every nature or type”; and/or to the extent this
5 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
6 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
7 envelopes, explanatory notes or memoranda, and any other material that accompanied the
8 document(s)” and “[i]f the specific document elicited a response, that response is also to be
9 identified and produced” and “[i]f the document was itself a response, the document to which it
10 responded is also to be identified and produced.”

11 Plaintiff intends to produce electronically stored information in a reasonably usable form.

12 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
13 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
14 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
15 possession, custody, or control; and/or that is or should be available to Defendant and more
16 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
19 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
20 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
21 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
22 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
23 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
24 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
25 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
26 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
27 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
28

“EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

Subject to and without waiving this or any other applicable objection, Plaintiff states that this information is publicly available data.

REQUEST FOR PRODUCTION NO. 52:

All DOCUMENTS that EVIDENCE the allegation in paragraph 105 of the COMPLAINT that “Plaintiff outperformed Defendants Mr. Alper, Mr. De Vries, and Mr. Deoras by a wide margin. Plaintiff’s batting average on the POPRs was 100%, while Defendants Mr. Alper’s, Mr. De Vries’, and Mr. Deoras’ collective historical batting average was a paltry 25% (i.e., only two of eight POPRs that these Defendants had filed in the three years before they hired Plaintiff to join their team successfully resulted in noninstitution)”.

RESPONSE TO REQUEST FOR PRODUCTION 52:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, e.g., Request Nos. 51 and 53. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll”

1 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
4 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information
6 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
7 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
9 it seeks production of electronically stored information that is unreasonably cumulative or
10 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
11 seeks production of electronically stored information that is or can be obtained from some other
12 source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-
13 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
14 production of electronically stored information that exceeds the scope of discovery permitted by
15 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
16 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
17 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
18 considering the importance of the issues at stake in the action, the amount in controversy, the
19 parties’ relative access to relevant information, including Kirkland’s access to relevant
20 information because relevant information sought is or should be in Kirkland’s possession,
21 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
22 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
23 the at most de minimis importance of cumulative and duplicative discovery requested ad
24 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
25 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
26 this Request to the extent it seeks production of electronically stored information that is not in
27 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-

defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
3 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
4 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
5 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
6 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
7 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
8 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
9 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
10 including because the sought discovery is should be in Kirkland’s or its co-defendants’
11 possession, custody, or control, the importance of the discovery sought from Plaintiff in
12 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
13 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
14 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
15 of the case, and a seeking discovery outside the scope of discovery permitted or required under
16 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
17 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
18 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
20 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
21 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
22 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
24 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
25 recorded or graphic material, however produced or reproduced and all other tangible objects,
26 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
27 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and

1 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
2 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
3 produced” where “a document was prepared and several copies were made or if additional
4 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
5 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
6 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
7 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
8 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
9 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
10 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
11 and government and government agency of every nature or type”; and/or to the extent this
12 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
13 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
14 envelopes, explanatory notes or memoranda, and any other material that accompanied the
15 document(s)” and “[i]f the specific document elicited a response, that response is also to be
16 identified and produced” and “[i]f the document was itself a response, the document to which it
17 responded is also to be identified and produced.”

18 Plaintiff intends to produce electronically stored information in a reasonably usable form.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
21 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
22 possession, custody, or control; and/or that is or should be available to Defendant and more
23 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
26 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
27 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional

1 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
2 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
4 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
5 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
7 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
8 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
9 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
10 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
11 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

12 Subject to and without waiver of these objections and Plaintiff’s General Objections,
13 Plaintiff responds as follows:

14 The Court has not yet entered a scheduling order in this case; the Court has not set a date
15 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
16 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
17 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
18 Request as this action and discovery proceed. Subject to the foregoing objections and to the
19 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
20 appropriate and, as discovery proceeds, will produce, before the close of discovery in
21 accordance with any scheduling order that the Court will issue in this case, responsive and
22 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
23 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
24 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
25 meet and confer regarding the scope of this Request.

26 **REQUEST FOR PRODUCTION NO. 53:**

1 All DOCUMENTS that EVIDENCE the allegation in paragraph 106 of the
2 COMPLAINT that “Defendants directly and indirectly reaped the benefits of Plaintiff’s work.
3 This included improving Defendants Mr. Alper’s, Mr. De Vries’, and Mr. Deoras’ cumulative
4 POPR performance over the last several years from objectively deficient to respectable courtesy
5 of Plaintiff’s direct contributions in a matter of months. Defendants were aware of their
6 deficient performance in recent years, which is why they specifically probed Plaintiff’s interest
7 in PTAB work when interviewing Plaintiff in September 2021, which is right around the time
8 relevant petitions were filed. Defendants’ awareness of their sub-par performance in recent
9 years and their direct knowledge of Plaintiff’s outsized successes on the POPRs highlights the
10 abject falsity and maliciousness of Defendants’ characterization of Plaintiff’s work, specifically
11 with respect to the POPRs and more generally.”

12 **RESPONSE TO REQUEST FOR PRODUCTION 53:**

13 In addition to the foregoing General Objections, each of which is specifically
14 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
15 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
16 calculated to lead to the discovery of admissible evidence and that is not proportional to the
17 needs of this case, and as seeking discovery outside the permissible scope under the Federal
18 Rules and/or other applicable law.

19 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
20 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
21 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
22 duplicative of discovery sought in other Requests, e.g., Request Nos. 51 and 52. *See, e.g.*, Fed.
23 R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B);
24 Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this
25 Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside
26 the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law
27 because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks

1 “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE”
 2 statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of
 3 “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1.
 4 *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B);
 5 *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
 6 26(g)(1)(B)–(C).

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 9 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 10 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 11 production of electronically stored information, to the extent this Request seeks “[a]ll”
 12 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 13 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 14 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 15 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 16 objects to this Request to the extent it seeks production of electronically stored information
 17 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 18 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 20 it seeks production of electronically stored information that is unreasonably cumulative or
 21 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 22 seeks production of electronically stored information that is or can be obtained from some other
 23 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 24 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 25 production of electronically stored information that exceeds the scope of discovery permitted by
 26 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 27 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
 28

not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.

Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll

DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
11 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
12 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
13 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
16 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
19 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
20 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
21 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
22 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
23 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Subject to and without waiver of these objections and Plaintiff’s General Objections,
25 Plaintiff responds as follows:

26 The Court has not yet entered a scheduling order in this case; the Court has not set a date
27 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
28

responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 54:

All DOCUMENTS that EVIDENCE the allegation in paragraph 107 of the COMPLAINT that "shortly before Plaintiff was fired, Mr. Deoras had Plaintiff begin working on drafting the POR, including preparing a detailed, substantive outline setting forth the arguments to be advanced in the POR. This was the first substantive assignment Plaintiff had in over a month because Defendants had dried up Plaintiff's work in retaliation for her reporting and in further discrimination because of Plaintiff's sex. Saliently, Mr. Deoras asked Plaintiff to complete this work after he had extensively defamed Plaintiff in his 'evaluation' and knew Plaintiff would be fired in a matter of weeks for allegedly pervasive and long-standing incompetence. Defendants had dried up Plaintiff's work in retaliation for her reporting and in further discrimination because of sex".

RESPONSE TO REQUEST FOR PRODUCTION 54:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests regarding Defendants' discriminatory and retaliatory conduct. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE" and incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

1 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
3 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
5 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
6 stored information from sources that are not reasonably accessible because of undue burden or
7 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
8 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
9 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
10 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
11 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
12 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
13 to this Request to the extent it seeks production of electronically stored information in more than
14 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
15 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
16 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
17 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
18 graphic material, however produced or reproduced and all other tangible objects, including, but
19 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
20 specified means] or other means” “and all drafts and summaries thereof” “and any
21 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
22 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
23 produced” where “a document was prepared and several copies were made or if additional
24 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
25 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
26 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
27 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

1 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
3 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
4 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
5 including because the sought discovery is should be in Kirkland's or its co-defendants'
6 possession, custody, or control, the importance of the discovery sought from Plaintiff in
7 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
8 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
9 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
10 of the case, and a seeking discovery outside the scope of discovery permitted or required under
11 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
12 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
13 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
15 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
16 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
17 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
19 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
20 recorded or graphic material, however produced or reproduced and all other tangible objects,
21 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
22 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
23 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
24 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
25 produced" where "a document was prepared and several copies were made or if additional
26 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
27 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of

Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 55:

All DOCUMENTS that EVIDENCE the allegation in paragraph 109 of the COMPLAINT that “Plaintiff served as the lone workhorse associate on the ITC investigation, in which she would develop and drive the client’s invalidity, unenforceability, and noninfringement defenses”.

RESPONSE TO REQUEST FOR PRODUCTION 55:

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests, e.g., Request No. 56. *See, e.g.*, Fed. R. Civ. P.
11 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ.
12 P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly
13 broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
14 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
15 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
16 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
17 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
18 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.
19 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R.
20 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
22 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
23 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
24 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
25 production of electronically stored information, to the extent this Request seeks “[a]ll”
26 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
27 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.

26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production

1 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
2 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
3 defendants' possession, custody, or control; and/or are or should be available to Defendant and
4 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
5 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
6 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
7 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
8 including because the sought discovery is should be in Kirkland's or its co-defendants'
9 possession, custody, or control, the importance of the discovery sought from Plaintiff in
10 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
11 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
12 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
13 of the case, and a seeking discovery outside the scope of discovery permitted or required under
14 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
15 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
16 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
18 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
19 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
20 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
21 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
22 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
23 recorded or graphic material, however produced or reproduced and all other tangible objects,
24 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
25 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
26 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
27 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
3 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
4 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
5 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
6 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
7 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
8 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
9 and government and government agency of every nature or type”; and/or to the extent this
10 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
11 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
12 envelopes, explanatory notes or memoranda, and any other material that accompanied the
13 document(s)” and “[i]f the specific document elicited a response, that response is also to be
14 identified and produced” and “[i]f the document was itself a response, the document to which it
15 responded is also to be identified and produced.”

16 Plaintiff intends to produce electronically stored information in a reasonably usable form.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
19 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
20 possession, custody, or control; and/or that is or should be available to Defendant and more
21 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
24 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
25 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
26 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
27 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 56:

All DOCUMENTS that EVIDENCE the allegation in paragraph 110 of the COMPLAINT that “Plaintiff’s work [on the ITC investigation] earned her compliments,

including from Mr. Fahey when he told Plaintiff she did “[n]ice work] drafting a subpoena and later referred to her as ‘our ITC subpoena expert’”.

RESPONSE TO REQUEST FOR PRODUCTION 56:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, e.g., Request No. 55. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to

1 production of electronically stored information, to the extent this Request seeks “[a]ll”
2 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
3 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
5 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
6 objects to this Request to the extent it seeks production of electronically stored information
7 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
8 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
10 it seeks production of electronically stored information that is unreasonably cumulative or
11 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
12 seeks production of electronically stored information that is or can be obtained from some other
13 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
14 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
15 production of electronically stored information that exceeds the scope of discovery permitted by
16 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
17 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
18 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
19 considering the importance of the issues at stake in the action, the amount in controversy, the
20 parties’ relative access to relevant information, including Kirkland’s access to relevant
21 information because relevant information sought is or should be in Kirkland’s possession,
22 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
23 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
24 the at most de minimis importance of cumulative and duplicative discovery requested ad
25 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
26 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
27 this Request to the extent it seeks production of electronically stored information that is not in

Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 expense. Plaintiff further objects to this Request because it seeks production of electronically
 stored information, including seeking discovery of duplicative and/or cumulative electronically
 stored information, including without limitation to the extent this Request seeks "[a]ll"
 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 stored information from sources that are not reasonably accessible because of undue burden or
 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 to this Request to the extent it seeks production of electronically stored information in more than
 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 graphic material, however produced or reproduced and all other tangible objects, including, but
 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 specified means] or other means" "and all drafts and summaries thereof" "and any
 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule

1 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
2 produced” where “a document was prepared and several copies were made or if additional
3 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
4 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
5 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
6 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
7 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
8 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
9 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
10 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
11 including because the sought discovery is should be in Kirkland’s or its co-defendants’
12 possession, custody, or control, the importance of the discovery sought from Plaintiff in
13 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
14 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
15 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
16 of the case, and a seeking discovery outside the scope of discovery permitted or required under
17 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
18 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
19 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
21 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
22 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
23 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
25 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
26 recorded or graphic material, however produced or reproduced and all other tangible objects,
27 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether

1 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
2 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
3 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
4 produced” where “a document was prepared and several copies were made or if additional
5 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
6 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
7 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
8 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
9 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
10 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
11 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
12 and government and government agency of every nature or type”; and/or to the extent this
13 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
14 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
15 envelopes, explanatory notes or memoranda, and any other material that accompanied the
16 document(s)” and “[i]f the specific document elicited a response, that response is also to be
17 identified and produced” and “[i]f the document was itself a response, the document to which it
18 responded is also to be identified and produced.”

19 Plaintiff intends to produce electronically stored information in a reasonably usable form.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
21 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
22 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
23 possession, custody, or control; and/or that is or should be available to Defendant and more
24 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

25 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
26 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
27 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
28

Request seeks discovery that is neither relevant to any party's claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff's General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 57:

1 All DOCUMENTS that EVIDENCE the allegations in paragraph 111 of the
2 COMPLAINT that “Ms. Schmidt stated that, because of Plaintiff’s excellent work at the Firm,
3 including on the POPRs and the ITC Investigation, Defendants wanted Plaintiff to join the trial
4 team to replace a key (female) associate who had abruptly resigned”; that “Ms. Schmidt stated
5 that Plaintiff would not need to worry about Plaintiff’s responsibilities for the ITC Investigation,
6 which was a separate, active matter”; and that “Ms. Schmidt assured Plaintiff that if Plaintiff
7 joined the trail [sic] team, Defendants would remove Plaintiff’s work on the ITC Investigation
8 so that Plaintiff could prepare for and focus on trial rather than other matters”.

9 **RESPONSE TO REQUEST FOR PRODUCTION 57:**

10 In addition to the foregoing General Objections, each of which is specifically
11 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
12 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
13 calculated to lead to the discovery of admissible evidence and that is not proportional to the
14 needs of this case, and as seeking discovery outside the permissible scope under the Federal
15 Rules and/or other applicable law.

16 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
17 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
18 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
19 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
20 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
21 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
22 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
23 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
24 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
25 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
26 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
27 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.

26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
 the at most de minimis importance of cumulative and duplicative discovery requested ad
 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
 this Request to the extent it seeks production of electronically stored information that is not in
 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 expense. Plaintiff further objects to this Request because it seeks production of electronically
 stored information, including seeking discovery of duplicative and/or cumulative electronically
 stored information, including without limitation to the extent this Request seeks "[a]ll"
 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 stored information from sources that are not reasonably accessible because of undue burden or
 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 to this Request to the extent it seeks production of electronically stored information in more than
 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff

1 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
28

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
6 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
7 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
8 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
9 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
11 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
12 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
14 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
15 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
16 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
17 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
18 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Subject to and without waiver of these objections and Plaintiff's General Objections,
20 Plaintiff responds as follows:

21 The Court has not yet entered a scheduling order in this case; the Court has not set a date
22 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
23 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
24 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
25 Request as this action and discovery proceed. Subject to the foregoing objections and to the
26 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
27 appropriate and, as discovery proceeds, will produce, before the close of discovery in
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1 accordance with any scheduling order that the Court will issue in this case, responsive and
2 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
3 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
4 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
5 meet and confer regarding the scope of this Request.

6 **REQUEST FOR PRODUCTION NO. 58:**

7 All DOCUMENTS that EVIDENCE the allegations in paragraph 112 of the
8 COMPLAINT that "Given that Plaintiff would be working on the damages team with Ms.
9 Schmidt, Plaintiff informed Ms. Schmidt of Plaintiff's limited prior experience with damages.
10 (Plaintiff's practice primarily focused on developing and advancing patent infringement and
11 invalidity theories/arguments.) Ms. Schmidt assured Plaintiff that that would not be an issue and
12 confirmed again that Defendants would offload Plaintiff's work on the ITC Investigation so she
13 could focus on trial. But, as Plaintiff would later learn, the repeated promises to offload
14 Plaintiff's work on non-trial matters was a lie. Before trial and while at the trial site, Plaintiff
15 continued to be saddled with work for the ITC Investigation, including, inter alia, drafting
16 invalidity contentions and analyzing discovery"; and that "Plaintiff continued to do excellent
17 work and garnered praise for both her non-trial and trial work while at trial".

18 **RESPONSE TO REQUEST FOR PRODUCTION 58:**

19 In addition to the foregoing General Objections, each of which is specifically
20 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
21 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
22 calculated to lead to the discovery of admissible evidence and that is not proportional to the
23 needs of this case, and as seeking discovery outside the permissible scope under the Federal
24 Rules and/or other applicable law.

25 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
26 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
27 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
28

1 duplicative of discovery sought in other Requests, e.g., Requests regarding Plaintiff’s work and
 2 experience at trial with Defendants, discrimination, and sex-based harassment constituting a
 3 hostile work environment. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ.
 4 P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
 5 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 6 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
 7 Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or
 8 duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
 9 DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or
 10 relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates
 11 or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1);
 12 Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 13 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

14 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 15 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 16 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 17 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 18 production of electronically stored information, to the extent this Request seeks “[a]ll”
 19 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 20 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 21 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 22 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 23 objects to this Request to the extent it seeks production of electronically stored information
 24 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 25 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 27 it seeks production of electronically stored information that is unreasonably cumulative or
 28

1 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
2 seeks production of electronically stored information that is or can be obtained from some other
3 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
4 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
5 production of electronically stored information that exceeds the scope of discovery permitted by
6 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
7 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
8 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
9 considering the importance of the issues at stake in the action, the amount in controversy, the
10 parties' relative access to relevant information, including Kirkland's access to relevant
11 information because relevant information sought is or should be in Kirkland's possession,
12 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
13 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
14 the at most de minimis importance of cumulative and duplicative discovery requested ad
15 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
16 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
17 this Request to the extent it seeks production of electronically stored information that is not in
18 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or that is or should be available to Defendant
20 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff further objects to this Request because it seeks production of electronically
22 stored information, including seeking discovery of duplicative and/or cumulative electronically
23 stored information, including without limitation to the extent this Request seeks "[a]ll"
24 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
25 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
26 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
27 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.

34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,

including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent "YOU" and "YOUR" includes "any other PERSON representing" Plaintiff "or acting on her behalf," and/or to the extent "PERSON" means "any natural person, firm, entity, corporation,

1 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
2 and government and government agency of every nature or type”; and/or to the extent this
3 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
4 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
5 envelopes, explanatory notes or memoranda, and any other material that accompanied the
6 document(s)” and “[i]f the specific document elicited a response, that response is also to be
7 identified and produced” and “[i]f the document was itself a response, the document to which it
8 responded is also to be identified and produced.”

9 Plaintiff intends to produce electronically stored information in a reasonably usable form.

10 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
11 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
12 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
13 possession, custody, or control; and/or that is or should be available to Defendant and more
14 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

15 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
16 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
17 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
18 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
19 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
20 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
22 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
23 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
25 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
26 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
27 discovery not limited to the relevant time period regarding the facts at issue in this litigation.

1 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
2 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

3 Subject to and without waiver of these objections and Plaintiff’s General Objections,
4 Plaintiff responds as follows:

5 The Court has not yet entered a scheduling order in this case; the Court has not set a date
6 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
7 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
8 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
9 Request as this action and discovery proceed. Subject to the foregoing objections and to the
10 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
11 appropriate and, as discovery proceeds, will produce, before the close of discovery in
12 accordance with any scheduling order that the Court will issue in this case, responsive and
13 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
14 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
15 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
16 meet and confer regarding the scope of this Request.

17 **REQUEST FOR PRODUCTION NO. 59:**

18 All DOCUMENTS that EVIDENCE the allegation in paragraph 113 of the
19 COMPLAINT that “[d]uring the two weeks in Texas for trial...Plaintiff experienced and
20 otherwise observed a bevy of discriminatory conduct towards women”.

21 **RESPONSE TO REQUEST FOR PRODUCTION 59:**

22 In addition to the foregoing General Objections, each of which is specifically
23 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
24 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
25 calculated to lead to the discovery of admissible evidence and that is not proportional to the
26 needs of this case, and as seeking discovery outside the permissible scope under the Federal
27 Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, e.g., Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, and sex-based harassment constituting a hostile work environment. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE" and incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or

1 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
3 it seeks production of electronically stored information that is unreasonably cumulative or
4 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
5 seeks production of electronically stored information that is or can be obtained from some other
6 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
7 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
8 production of electronically stored information that exceeds the scope of discovery permitted by
9 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
10 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
11 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
12 considering the importance of the issues at stake in the action, the amount in controversy, the
13 parties' relative access to relevant information, including Kirkland's access to relevant
14 information because relevant information sought is or should be in Kirkland's possession,
15 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
16 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
17 the at most de minimis importance of cumulative and duplicative discovery requested ad
18 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
19 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
20 this Request to the extent it seeks production of electronically stored information that is not in
21 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
22 defendants' possession, custody, or control; and/or that is or should be available to Defendant
23 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff further objects to this Request because it seeks production of electronically
25 stored information, including seeking discovery of duplicative and/or cumulative electronically
26 stored information, including without limitation to the extent this Request seeks "[a]ll"
27 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of

1 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
2 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
4 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
5 stored information from sources that are not reasonably accessible because of undue burden or
6 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
7 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
8 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
9 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
10 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
11 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
12 to this Request to the extent it seeks production of electronically stored information in more than
13 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
14 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
15 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
16 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
17 graphic material, however produced or reproduced and all other tangible objects, including, but
18 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
19 specified means] or other means” “and all drafts and summaries thereof” “and any
20 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
21 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
22 produced” where “a document was prepared and several copies were made or if additional
23 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
24 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
25 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
26 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
27 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such

DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and

1 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
2 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
3 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
4 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
5 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

6 Subject to and without waiver of these objections and Plaintiff’s General Objections,
7 Plaintiff responds as follows:

8 The Court has not yet entered a scheduling order in this case; the Court has not set a date
9 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
10 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
11 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
12 Request as this action and discovery proceed. Subject to the foregoing objections and to the
13 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
14 appropriate and, as discovery proceeds, will produce, before the close of discovery in
15 accordance with any scheduling order that the Court will issue in this case, responsive and
16 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
17 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
18 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
19 meet and confer regarding the scope of this Request.

20 **REQUEST FOR PRODUCTION NO. 60:**

21 All DOCUMENTS that EVIDENCE the allegation in paragraph 114 of the
22 COMPLAINT that “At trial, Plaintiff assisted with both Mr. De Vries’ key cross-examination of
23 the plaintiff’s CEO and with Ms. Schmidt’s direct examination of the defendant’s damages
24 expert witness. The trial resulted in a complete verdict (of invalidity and non-infringement of all
25 asserted patent claims) for the client-defendant.”

26 **RESPONSE TO REQUEST FOR PRODUCTION 60:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests, e.g., Requests regarding Plaintiff's work and
11 experience at trial with Defendants, discrimination, and sex-based harassment constituting a
12 hostile work environment. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ.
13 P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
14 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and
15 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
16 Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or
17 duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
18 DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or
19 relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates
20 or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1);
21 Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
22 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

23 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
24 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
25 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
26 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
27 production of electronically stored information, to the extent this Request seeks "[a]ll"

1 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
4 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information
6 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
7 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
9 it seeks production of electronically stored information that is unreasonably cumulative or
10 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
11 seeks production of electronically stored information that is or can be obtained from some other
12 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
13 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
14 production of electronically stored information that exceeds the scope of discovery permitted by
15 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
16 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
17 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
18 considering the importance of the issues at stake in the action, the amount in controversy, the
19 parties’ relative access to relevant information, including Kirkland’s access to relevant
20 information because relevant information sought is or should be in Kirkland’s possession,
21 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
22 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
23 the at most de minimis importance of cumulative and duplicative discovery requested ad
24 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
25 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
26 this Request to the extent it seeks production of electronically stored information that is not in
27 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-

1 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 2 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 3 expense. Plaintiff further objects to this Request because it seeks production of electronically
 4 stored information, including seeking discovery of duplicative and/or cumulative electronically
 5 stored information, including without limitation to the extent this Request seeks "[a]ll"
 6 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 7 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
 8 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 9 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 10 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 11 stored information from sources that are not reasonably accessible because of undue burden or
 12 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 13 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 14 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 15 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
 16 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 17 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 18 to this Request to the extent it seeks production of electronically stored information in more than
 19 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
 20 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 21 objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 22 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 23 graphic material, however produced or reproduced and all other tangible objects, including, but
 24 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 25 specified means] or other means" "and all drafts and summaries thereof" "and any
 26 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
 27 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
3 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
4 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
5 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
6 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
7 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
8 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
9 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
10 including because the sought discovery is should be in Kirkland’s or its co-defendants’
11 possession, custody, or control, the importance of the discovery sought from Plaintiff in
12 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
13 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
14 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
15 of the case, and a seeking discovery outside the scope of discovery permitted or required under
16 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
17 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
18 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
20 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
21 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
22 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
24 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
25 recorded or graphic material, however produced or reproduced and all other tangible objects,
26 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
27 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and

1 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
2 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
3 produced” where “a document was prepared and several copies were made or if additional
4 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
5 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
6 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
7 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
8 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
9 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
10 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
11 and government and government agency of every nature or type”; and/or to the extent this
12 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
13 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
14 envelopes, explanatory notes or memoranda, and any other material that accompanied the
15 document(s)” and “[i]f the specific document elicited a response, that response is also to be
16 identified and produced” and “[i]f the document was itself a response, the document to which it
17 responded is also to be identified and produced.”

18 Plaintiff intends to produce electronically stored information in a reasonably usable form.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
21 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
22 possession, custody, or control; and/or that is or should be available to Defendant and more
23 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
26 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
27 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional

1 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
2 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
4 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
5 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
7 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
8 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
9 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
10 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
11 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

12 Subject to and without waiver of these objections and Plaintiff’s General Objections,
13 Plaintiff responds as follows:

14 The Court has not yet entered a scheduling order in this case; the Court has not set a date
15 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
16 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
17 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
18 Request as this action and discovery proceed. Subject to the foregoing objections and to the
19 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
20 appropriate and, as discovery proceeds, will produce, before the close of discovery in
21 accordance with any scheduling order that the Court will issue in this case, responsive and
22 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
23 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
24 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
25 meet and confer regarding the scope of this Request.

26 **REQUEST FOR PRODUCTION NO. 61:**

1 All DOCUMENTS that EVIDENCE the allegation in paragraph 115 of the
2 COMPLAINT that “Mr. De Vries was pleased with Plaintiff’s [trial] work, as he expressed to
3 Plaintiff multiple times in person and over email. The Firm’s own publication touted a line of
4 questioning developed by Plaintiff as key to the trial victory. Mr. De Vries’ comments to
5 Plaintiff about her good work at trial stand in stark contrast to Mr. De Vries’ false statements in
6 Plaintiff’s ‘evaluation,’ in which he claimed that he was allegedly displeased with Plaintiff’s
7 work for him at trial. Plaintiff first learned of his alleged displeasure when she was read her
8 “evaluations” in October 2021, after she had been fired.”

9 **RESPONSE TO REQUEST FOR PRODUCTION 61:**

10 In addition to the foregoing General Objections, each of which is specifically
11 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
12 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
13 calculated to lead to the discovery of admissible evidence and that is not proportional to the
14 needs of this case, and as seeking discovery outside the permissible scope under the Federal
15 Rules and/or other applicable law.

16 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
17 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
18 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
19 duplicative of discovery sought in other Requests, e.g., Requests regarding Plaintiff’s work and
20 experience at trial with Defendants, discrimination, sex-based harassment constituting a hostile
21 work environment, retaliation, and defamation. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
22 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
23 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
24 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
25 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
26 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
27 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative

complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the

parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than

one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

1 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
2 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
3 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
4 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
5 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
6 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
7 recorded or graphic material, however produced or reproduced and all other tangible objects,
8 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
9 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
10 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
11 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
12 produced” where “a document was prepared and several copies were made or if additional
13 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
14 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
15 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
16 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
17 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
18 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
19 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
20 and government and government agency of every nature or type”; and/or to the extent this
21 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
22 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
23 envelopes, explanatory notes or memoranda, and any other material that accompanied the
24 document(s)” and “[i]f the specific document elicited a response, that response is also to be
25 identified and produced” and “[i]f the document was itself a response, the document to which it
26 responded is also to be identified and produced.”

27 Plaintiff intends to produce electronically stored information in a reasonably usable form.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
3 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
4 possession, custody, or control; and/or that is or should be available to Defendant and more
5 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
8 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
9 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
10 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
11 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
12 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
13 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
14 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
16 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
17 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
18 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
19 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
20 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Subject to and without waiver of these objections and Plaintiff's General Objections,
22 Plaintiff responds as follows:

23 The Court has not yet entered a scheduling order in this case; the Court has not set a date
24 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
25 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
26 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
27 Request as this action and discovery proceed. Subject to the foregoing objections and to the
28

1 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
2 appropriate and, as discovery proceeds, will produce, before the close of discovery in
3 accordance with any scheduling order that the Court will issue in this case, responsive and
4 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
5 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
6 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
7 meet and confer regarding the scope of this Request.

8 **REQUEST FOR PRODUCTION NO. 62:**

9 All DOCUMENTS that EVIDENCE the allegations in paragraph 116 of the
10 COMPLAINT that "Mr. Fahey praised Plaintiff's work on drafting invalidity charting for the
11 ITC Investigation (the non-trial matter), stating Plaintiff's 'nice work' on the invalidity charting
12 'looked good' and required no substantive revisions (unlike the substantially similar charting
13 assigned to other associates), for which he thanked Plaintiff".

14 **RESPONSE TO REQUEST FOR PRODUCTION 62:**

15 In addition to the foregoing General Objections, each of which is specifically
16 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
17 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
18 calculated to lead to the discovery of admissible evidence and that is not proportional to the
19 needs of this case, and as seeking discovery outside the permissible scope under the Federal
20 Rules and/or other applicable law.

21 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
22 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
23 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
24 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work
25 and experience at trial with Defendants, discrimination, and sex-based harassment constituting a
26 hostile work environment, including Request No. 62. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i);
27 *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.

26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks

1 production of electronically stored information that exceeds the scope of discovery permitted by
2 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
3 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
4 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
5 considering the importance of the issues at stake in the action, the amount in controversy, the
6 parties' relative access to relevant information, including Kirkland's access to relevant
7 information because relevant information sought is or should be in Kirkland's possession,
8 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
9 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
10 the at most de minimis importance of cumulative and duplicative discovery requested ad
11 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
12 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
13 this Request to the extent it seeks production of electronically stored information that is not in
14 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
15 defendants' possession, custody, or control; and/or that is or should be available to Defendant
16 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff further objects to this Request because it seeks production of electronically
18 stored information, including seeking discovery of duplicative and/or cumulative electronically
19 stored information, including without limitation to the extent this Request seeks "[a]ll"
20 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
21 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
22 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
23 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
24 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
25 stored information from sources that are not reasonably accessible because of undue burden or
26 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
27 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"

1 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
2 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
3 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
4 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
5 to this Request to the extent it seeks production of electronically stored information in more than
6 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
7 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
8 objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
9 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
10 graphic material, however produced or reproduced and all other tangible objects, including, but
11 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
12 specified means] or other means" "and all drafts and summaries thereof" "and any
13 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
14 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
15 produced" where "a document was prepared and several copies were made or if additional
16 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
17 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
18 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or are or should be available to Defendant and
20 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
22 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
23 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
24 including because the sought discovery is should be in Kirkland's or its co-defendants'
25 possession, custody, or control, the importance of the discovery sought from Plaintiff in
26 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
27 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,

1 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
2 of the case, and a seeking discovery outside the scope of discovery permitted or required under
3 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
4 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
5 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
6 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
7 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
8 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
9 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
11 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
12 recorded or graphic material, however produced or reproduced and all other tangible objects,
13 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
14 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
15 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
16 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
19 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
20 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
21 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
22 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
23 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
24 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
25 and government and government agency of every nature or type”; and/or to the extent this
26 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
27 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all

1 envelopes, explanatory notes or memoranda, and any other material that accompanied the
2 document(s)” and “[i]f the specific document elicited a response, that response is also to be
3 identified and produced” and “[i]f the document was itself a response, the document to which it
4 responded is also to be identified and produced.”

5 Plaintiff intends to produce electronically stored information in a reasonably usable form.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
8 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
9 possession, custody, or control; and/or that is or should be available to Defendant and more
10 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
12 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
13 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
14 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
15 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
16 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
18 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
19 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
20 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
21 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
22 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
23 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
24 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
25 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

26 Subject to and without waiver of these objections and Plaintiff’s General Objections,
27 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
7 appropriate and, as discovery proceeds, will produce, before the close of discovery in
8 accordance with any scheduling order that the Court will issue in this case, responsive and
9 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
10 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
11 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
12 meet and confer regarding the scope of this Request.

13 **REQUEST FOR PRODUCTION NO. 63:**

14 All DOCUMENTS that EVIDENCE the allegations in paragraph 116, footnote 29 of the
15 COMPLAINT that "Plaintiff, Male Associate G, and Female Associate J each drafted invalidity
16 charting for the ITC Investigation—i.e., they performed similar assignments. Male Associate G
17 and Female Associate J produced work of substantially similar quality, which required
18 comparable substantive revisions. When Plaintiff was at the trial site, Mr. Fahey sent a team-
19 facing email, including to share partners whom he added to the thread, to praise Male Associate
20 G's work while characterizing Female Associate J's work as insufficient and requiring
21 significant substantive revisions. As discussed above, Plaintiff's work required no substantive
22 revisions; however, Mr. Fahey intentionally avoided praising Plaintiff despite praising Male
23 Associate G for inferior work relative to Plaintiff's work. (Mr. Fahey privately emailed Plaintiff
24 the aforementioned praise only after Plaintiff followed up with him due to his non-
25 responsiveness.)"

26 **RESPONSE TO REQUEST FOR PRODUCTION 63:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work
11 and experience at trial with Defendants, discrimination, and sex-based harassment constituting a
12 hostile work environment, including Request No. 62. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i);
13 *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
14 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly
15 broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
16 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
17 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll"
18 "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a
19 non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)"
20 and/or of "EVIDENCE," and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.
21 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R.
22 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

23 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
24 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
25 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
26 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
27 production of electronically stored information, to the extent this Request seeks "[a]ll"

1 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
4 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information
6 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
7 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
9 it seeks production of electronically stored information that is unreasonably cumulative or
10 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
11 seeks production of electronically stored information that is or can be obtained from some other
12 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
13 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
14 production of electronically stored information that exceeds the scope of discovery permitted by
15 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
16 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
17 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
18 considering the importance of the issues at stake in the action, the amount in controversy, the
19 parties’ relative access to relevant information, including Kirkland’s access to relevant
20 information because relevant information sought is or should be in Kirkland’s possession,
21 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
22 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
23 the at most de minimis importance of cumulative and duplicative discovery requested ad
24 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
25 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
26 this Request to the extent it seeks production of electronically stored information that is not in
27 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-

defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
3 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
4 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
5 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
6 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
7 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
8 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
9 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
10 including because the sought discovery is should be in Kirkland’s or its co-defendants’
11 possession, custody, or control, the importance of the discovery sought from Plaintiff in
12 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
13 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
14 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
15 of the case, and a seeking discovery outside the scope of discovery permitted or required under
16 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
17 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
18 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
20 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
21 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
22 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
24 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
25 recorded or graphic material, however produced or reproduced and all other tangible objects,
26 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
27 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and

any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional

1 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
2 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
4 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
5 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
7 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
8 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
9 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
10 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
11 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

12 Subject to and without waiver of these objections and Plaintiff’s General Objections,
13 Plaintiff responds as follows:

14 The Court has not yet entered a scheduling order in this case; the Court has not set a date
15 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
16 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
17 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
18 Request as this action and discovery proceed. Subject to the foregoing objections and to the
19 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
20 appropriate and, as discovery proceeds, will produce, before the close of discovery in
21 accordance with any scheduling order that the Court will issue in this case, responsive and
22 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
23 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
24 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
25 meet and confer regarding the scope of this Request.

26 **REQUEST FOR PRODUCTION NO. 64:**

1 All DOCUMENTS that EVIDENCE the allegation in paragraph 117 of the
2 COMPLAINT that “Ms. Schmidt indicated that she did not like working on an all-female
3 damages team”.

4 **RESPONSE TO REQUEST FOR PRODUCTION 64:**

5 In addition to the foregoing General Objections, each of which is specifically
6 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
7 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
8 calculated to lead to the discovery of admissible evidence and that is not proportional to the
9 needs of this case, and as seeking discovery outside the permissible scope under the Federal
10 Rules and/or other applicable law.

11 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
12 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
13 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
14 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff’s work
15 and experience at trial with Defendants, discrimination, and sex-based harassment constituting a
16 hostile work environment, including Request Nos. 65, 66, 67. *See, e.g.*, Fed. R. Civ. P.
17 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ.
18 P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly
19 broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
20 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
21 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
22 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
23 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
24 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.
25 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R.
26 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
3 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
4 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
5 production of electronically stored information, to the extent this Request seeks “[a]ll”
6 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
7 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
8 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
9 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
10 objects to this Request to the extent it seeks production of electronically stored information
11 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
12 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
14 it seeks production of electronically stored information that is unreasonably cumulative or
15 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
16 seeks production of electronically stored information that is or can be obtained from some other
17 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
18 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
19 production of electronically stored information that exceeds the scope of discovery permitted by
20 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
21 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
22 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
23 considering the importance of the issues at stake in the action, the amount in controversy, the
24 parties’ relative access to relevant information, including Kirkland’s access to relevant
25 information because relevant information sought is or should be in Kirkland’s possession,
26 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
27 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s

1 possession, custody, or control; and/or that is or should be available to Defendant and more
2 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
15 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
16 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
17 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed. Subject to the foregoing objections and to the
25 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
26 appropriate and, as discovery proceeds, will produce, before the close of discovery in
27 accordance with any scheduling order that the Court will issue in this case, responsive and

relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request. Plaintiff states that Ms. Schmidt made the aforementioned comment verbally.

REQUEST FOR PRODUCTION NO. 65:

All DOCUMENTS that EVIDENCE the allegation in paragraph 118 of the COMPLAINT that "Ms. Schmidt stated, 'now I'm stuck with this,' while Ms. Schmidt waved her hands in a derogatory gesture toward Plaintiff. Ms. Schmidt and the expert agreed that that was 'unfortunate'".

RESPONSE TO REQUEST FOR PRODUCTION 65:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, and sex-based harassment constituting a hostile work environment, including Request Nos. 64, 66, 67. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it

1 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
 2 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
 3 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
 4 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.
 5 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R.
 6 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 9 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 10 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 11 production of electronically stored information, to the extent this Request seeks “[a]ll”
 12 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 13 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 14 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 15 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 16 objects to this Request to the extent it seeks production of electronically stored information
 17 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 18 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 20 it seeks production of electronically stored information that is unreasonably cumulative or
 21 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 22 seeks production of electronically stored information that is or can be obtained from some other
 23 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 24 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 25 production of electronically stored information that exceeds the scope of discovery permitted by
 26 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 27 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
 28

not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.

Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll

DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
11 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
12 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
13 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
16 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
19 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
20 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
21 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
22 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
23 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Subject to and without waiver of these objections and Plaintiff’s General Objections,
25 Plaintiff responds as follows:

26 The Court has not yet entered a scheduling order in this case; the Court has not set a date
27 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
28

responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request. Plaintiff states that Ms. Schmidt made the aforementioned comment verbally.

REQUEST FOR PRODUCTION NO. 66:

All DOCUMENTS that EVIDENCE the allegation in paragraph 119 of the COMPLAINT that "Ms. Schmidt continued to humiliate Plaintiff after making the aforementioned comments. Ms. Schmidt made Plaintiff order food for Leslie Schmidt, the expert, and the expert's assistant. Ordinarily partners either relegate such tasks to an assistant (who can make orders remotely and/or in advance) or office-services personnel (who are available on weekends) or handle them personally. To Plaintiff's knowledge, no male associate had ever been asked or had to order food for any member of the trial team, including themselves. Clearly, Defendants felt that ordering food and other administrative tasks are tasks best left to females and are too ministerial for a male associate to handle".

RESPONSE TO REQUEST FOR PRODUCTION 66:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, and sex-based harassment constituting a hostile work environment, including Request Nos. 64, 65, 67. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to production of electronically stored information, to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE" and incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff

objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically

1 stored information, including without limitation to the extent this Request seeks “[a]ll”
 2 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
 3 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
 4 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 5 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 6 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 7 stored information from sources that are not reasonably accessible because of undue burden or
 8 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
 9 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
 10 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 11 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
 12 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 13 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 14 to this Request to the extent it seeks production of electronically stored information in more than
 15 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
 16 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 17 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
 18 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
 19 graphic material, however produced or reproduced and all other tangible objects, including, but
 20 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
 21 specified means] or other means” “and all drafts and summaries thereof” “and any
 22 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
 23 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
 24 produced” where “a document was prepared and several copies were made or if additional
 25 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
 26 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
 27 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-

defendants' possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing

1 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
2 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
3 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
4 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
5 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
6 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
7 and government and government agency of every nature or type”; and/or to the extent this
8 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
9 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
10 envelopes, explanatory notes or memoranda, and any other material that accompanied the
11 document(s)” and “[i]f the specific document elicited a response, that response is also to be
12 identified and produced” and “[i]f the document was itself a response, the document to which it
13 responded is also to be identified and produced.”

14 Plaintiff intends to produce electronically stored information in a reasonably usable form.

15 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
16 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
17 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
18 possession, custody, or control; and/or that is or should be available to Defendant and more
19 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
21 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
22 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
23 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
24 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
25 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
27 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and

1 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
2 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
3 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
4 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
5 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
6 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
7 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

8 Subject to and without waiver of these objections and Plaintiff’s General Objections,
9 Plaintiff responds as follows:

10 The Court has not yet entered a scheduling order in this case; the Court has not set a date
11 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
12 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
13 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
14 Request as this action and discovery proceed. Subject to the foregoing objections and to the
15 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
16 appropriate and, as discovery proceeds, will produce, before the close of discovery in
17 accordance with any scheduling order that the Court will issue in this case, responsive and
18 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
19 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
20 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
21 meet and confer regarding the scope of this Request. Plaintiff states that her interaction with Ms.
22 Schmidt occurred in person.

23 **REQUEST FOR PRODUCTION NO. 67:**

24 All DOCUMENTS that EVIDENCE the allegations in paragraph 120 of the
25 COMPLAINT that “Ms. Schmidt divulged that she does not like working with female experts
26 and prefers working with male experts”; and that “Ms. Schmidt made disparaging comments
27 directly to Plaintiff regarding Female Associate L’s work”.

RESPONSE TO REQUEST FOR PRODUCTION 67:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, and sex-based harassment constituting a hostile work environment, including Request Nos. 64, 65, 66. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to

1 production of electronically stored information, to the extent this Request seeks “[a]ll”
2 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
3 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
5 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
6 objects to this Request to the extent it seeks production of electronically stored information
7 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
8 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
10 it seeks production of electronically stored information that is unreasonably cumulative or
11 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
12 seeks production of electronically stored information that is or can be obtained from some other
13 source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-
14 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
15 production of electronically stored information that exceeds the scope of discovery permitted by
16 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
17 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
18 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
19 considering the importance of the issues at stake in the action, the amount in controversy, the
20 parties’ relative access to relevant information, including Kirkland’s access to relevant
21 information because relevant information sought is or should be in Kirkland’s possession,
22 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
23 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
24 the at most de minimis importance of cumulative and duplicative discovery requested ad
25 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
26 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
27 this Request to the extent it seeks production of electronically stored information that is not in

Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 expense. Plaintiff further objects to this Request because it seeks production of electronically
 stored information, including seeking discovery of duplicative and/or cumulative electronically
 stored information, including without limitation to the extent this Request seeks "[a]ll"
 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 stored information from sources that are not reasonably accessible because of undue burden or
 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 to this Request to the extent it seeks production of electronically stored information in more than
 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 graphic material, however produced or reproduced and all other tangible objects, including, but
 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 specified means] or other means" "and all drafts and summaries thereof" "and any
 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule

1 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
2 produced” where “a document was prepared and several copies were made or if additional
3 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
4 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
5 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
6 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
7 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
8 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
9 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
10 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
11 including because the sought discovery is should be in Kirkland’s or its co-defendants’
12 possession, custody, or control, the importance of the discovery sought from Plaintiff in
13 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
14 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
15 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
16 of the case, and a seeking discovery outside the scope of discovery permitted or required under
17 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
18 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
19 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
21 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
22 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
23 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
25 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
26 recorded or graphic material, however produced or reproduced and all other tangible objects,
27 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether

1 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
2 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
3 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
4 produced” where “a document was prepared and several copies were made or if additional
5 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
6 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
7 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
8 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
9 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
10 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
11 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
12 and government and government agency of every nature or type”; and/or to the extent this
13 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
14 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
15 envelopes, explanatory notes or memoranda, and any other material that accompanied the
16 document(s)” and “[i]f the specific document elicited a response, that response is also to be
17 identified and produced” and “[i]f the document was itself a response, the document to which it
18 responded is also to be identified and produced.”

19 Plaintiff intends to produce electronically stored information in a reasonably usable form.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
21 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
22 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
23 possession, custody, or control; and/or that is or should be available to Defendant and more
24 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

25 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
26 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
27 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
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Request seeks discovery that is neither relevant to any party's claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff's General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request. Plaintiff states that Ms. Schmidt made the aforementioned comments verbally.

REQUEST FOR PRODUCTION NO. 68:

All DOCUMENTS that EVIDENCE the allegations in paragraph 121 of the COMPLAINT that “when Male Associate M performed a similar assignment to [Female Associate L], Ms. Schmidt—who did not work with Male Associate M on that assignment or any other trial work—went out of her way to send Male Associate M a team-facing email (including other share partners Mr. Alper and Mr. Deoras) thanking him for his work, which she praised; and that the praise “followed an email from Mr. Alper in which he diplomatically stated on of Male Associate M’s proposed objections was ineffectual”.

RESPONSE TO REQUEST FOR PRODUCTION 68:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff’s work and experience at trial with Defendants, discrimination, sex-based harassment constituting a hostile work environment, and defamation. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also,* *e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates

1 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
2 incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ.
3 P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
4 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

5 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
6 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
7 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
8 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
9 production of electronically stored information, to the extent this Request seeks “[a]ll”
10 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
11 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
12 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
13 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
14 objects to this Request to the extent it seeks production of electronically stored information
15 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
16 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
18 it seeks production of electronically stored information that is unreasonably cumulative or
19 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
20 seeks production of electronically stored information that is or can be obtained from some other
21 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
22 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
23 production of electronically stored information that exceeds the scope of discovery permitted by
24 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
25 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
26 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
27 considering the importance of the issues at stake in the action, the amount in controversy, the

parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than

one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

1 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
2 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
3 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
4 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
5 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
6 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
7 recorded or graphic material, however produced or reproduced and all other tangible objects,
8 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
9 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
10 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
11 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
12 produced” where “a document was prepared and several copies were made or if additional
13 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
14 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
15 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
16 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
17 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
18 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
19 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
20 and government and government agency of every nature or type”; and/or to the extent this
21 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
22 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
23 envelopes, explanatory notes or memoranda, and any other material that accompanied the
24 document(s)” and “[i]f the specific document elicited a response, that response is also to be
25 identified and produced” and “[i]f the document was itself a response, the document to which it
26 responded is also to be identified and produced.”

27 Plaintiff intends to produce electronically stored information in a reasonably usable form.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
3 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
4 possession, custody, or control; and/or that is or should be available to Defendant and more
5 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
8 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
9 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
10 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
11 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
12 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
13 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
14 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
16 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
17 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
18 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
19 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
20 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Subject to and without waiver of these objections and Plaintiff's General Objections,
22 Plaintiff responds as follows:

23 The Court has not yet entered a scheduling order in this case; the Court has not set a date
24 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
25 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
26 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
27 Request as this action and discovery proceed. Subject to the foregoing objections and to the
28

1 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
2 appropriate and, as discovery proceeds, will produce, before the close of discovery in
3 accordance with any scheduling order that the Court will issue in this case, responsive and
4 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
5 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
6 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
7 meet and confer regarding the scope of this Request.

8 **REQUEST FOR PRODUCTION NO. 69:**

9 All DOCUMENTS that EVIDENCE the allegations in paragraph 122 of the
10 COMPLAINT that "Plaintiff's non-trial matter work was a substantial obstacle that Plaintiff had
11 to unfairly and unreasonably contend with while preparing for and while at trial and was an
12 obstacle that no other associate, particularly comparable or comparative male associates, had to
13 contend with. Notwithstanding the obstacles imposed on Plaintiff by Defendants, Plaintiff
14 contributed substantively and in myriad ways on work that she performed for Ms. Schmidt"; and
15 that "Ms. Schmidt lie[d] about Plaintiff's contributions" and "flagrantly distorted the nature of
16 the worked performed by Plaintiff at trial in an effort to support Ms. Schmidt's false statement
17 that Plaintiff did not contribute whatsoever at trial".

18 **RESPONSE TO REQUEST FOR PRODUCTION 69:**

19 In addition to the foregoing General Objections, each of which is specifically
20 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
21 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
22 calculated to lead to the discovery of admissible evidence and that is not proportional to the
23 needs of this case, and as seeking discovery outside the permissible scope under the Federal
24 Rules and/or other applicable law.

25 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
26 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
27 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
28

1 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work
 2 and experience at trial with Defendants, discrimination, sex-based harassment constituting a
 3 hostile work environment, and defamation, including Request Nos. 58–68. *See, e.g.*, Fed. R.
 4 Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed.
 5 R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as
 6 overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
 7 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
 8 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
 9 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
 10 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
 11 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.
 12 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R.
 13 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

14 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 15 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 16 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 17 the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to
 18 production of electronically stored information, to the extent this Request seeks “[a]ll”
 19 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 20 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 21 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 22 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 23 objects to this Request to the extent it seeks production of electronically stored information
 24 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 25 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 27 it seeks production of electronically stored information that is unreasonably cumulative or
 28

1 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
2 seeks production of electronically stored information that is or can be obtained from some other
3 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
4 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
5 production of electronically stored information that exceeds the scope of discovery permitted by
6 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
7 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
8 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
9 considering the importance of the issues at stake in the action, the amount in controversy, the
10 parties' relative access to relevant information, including Kirkland's access to relevant
11 information because relevant information sought is or should be in Kirkland's possession,
12 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
13 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
14 the at most de minimis importance of cumulative and duplicative discovery requested ad
15 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
16 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
17 this Request to the extent it seeks production of electronically stored information that is not in
18 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or that is or should be available to Defendant
20 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff further objects to this Request because it seeks production of electronically
22 stored information, including seeking discovery of duplicative and/or cumulative electronically
23 stored information, including without limitation to the extent this Request seeks "[a]ll"
24 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
25 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
26 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
27 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.

34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,

including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent "YOU" and "YOUR" includes "any other PERSON representing" Plaintiff "or acting on her behalf," and/or to the extent "PERSON" means "any natural person, firm, entity, corporation,

1 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
2 and government and government agency of every nature or type”; and/or to the extent this
3 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
4 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
5 envelopes, explanatory notes or memoranda, and any other material that accompanied the
6 document(s)” and “[i]f the specific document elicited a response, that response is also to be
7 identified and produced” and “[i]f the document was itself a response, the document to which it
8 responded is also to be identified and produced.”

9 Plaintiff intends to produce electronically stored information in a reasonably usable form.

10 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
11 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
12 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
13 possession, custody, or control; and/or that is or should be available to Defendant and more
14 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

15 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
16 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
17 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
18 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
19 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
20 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
22 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
23 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
25 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
26 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
27 discovery not limited to the relevant time period regarding the facts at issue in this litigation.

1 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
2 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

3 Subject to and without waiver of these objections and Plaintiff’s General Objections,
4 Plaintiff responds as follows:

5 The Court has not yet entered a scheduling order in this case; the Court has not set a date
6 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
7 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
8 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
9 Request as this action and discovery proceed. Subject to the foregoing objections and to the
10 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
11 appropriate and, as discovery proceeds, will produce, before the close of discovery in
12 accordance with any scheduling order that the Court will issue in this case, responsive and
13 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
14 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
15 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
16 meet and confer regarding the scope of this Request.

17 **REQUEST FOR PRODUCTION NO. 70:**

18 All DOCUMENTS that EVIDENCE the allegations in paragraph 124 of the
19 COMPLAINT that “Defendants ensured that Plaintiff had disproportionately more work than
20 Mr. Blake leading up to and at trial”; that “Defendants cleared Mr. Blake’s schedule of all non-
21 trial work when he joined the trial team (at the same time as Plaintiff) so that he could focus on
22 the trial work”; that “Mr. Blake told Plaintiff that he had never experienced having to perform
23 more than de minimis non-trial work leading up to and at trial, and he express incredulity at the
24 fact that Plaintiff had non-trial work leading up to and at trial”; and that “[b]oth partners for
25 whom Plaintiff worked at trial, Mr. De Vries and Ms. Schmidt, were aware of (and had
26 indirectly assigned) Plaintiff’s non-trial work leading up to and at trial”.

27 **RESPONSE TO REQUEST FOR PRODUCTION 70:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work
11 and experience at trial with Defendants, discrimination, sex-based harassment constituting a
12 hostile work environment, and defamation, including Request Nos. 58–69. *See, e.g.*, Fed. R.
13 Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed.
14 R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as
15 overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
16 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
17 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
18 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
19 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
20 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.
21 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R.
22 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

23 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
24 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
25 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
26 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
27 production of electronically stored information, to the extent this Request seeks “[a]ll”
28

“DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 objects to this Request to the extent it seeks production of electronically stored information
 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 it seeks production of electronically stored information that is unreasonably cumulative or
 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 seeks production of electronically stored information that is or can be obtained from some other
 source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-
 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 production of electronically stored information that exceeds the scope of discovery permitted by
 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
 considering the importance of the issues at stake in the action, the amount in controversy, the
 parties’ relative access to relevant information, including Kirkland’s access to relevant
 information because relevant information sought is or should be in Kirkland’s possession,
 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
 the at most de minimis importance of cumulative and duplicative discovery requested ad
 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
 this Request to the extent it seeks production of electronically stored information that is not in
 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-

defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
3 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
4 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
5 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
6 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
7 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
8 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
9 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
10 including because the sought discovery is should be in Kirkland’s or its co-defendants’
11 possession, custody, or control, the importance of the discovery sought from Plaintiff in
12 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
13 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
14 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
15 of the case, and a seeking discovery outside the scope of discovery permitted or required under
16 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
17 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
18 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
20 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
21 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
22 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
24 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
25 recorded or graphic material, however produced or reproduced and all other tangible objects,
26 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
27 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and

1 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
2 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
3 produced” where “a document was prepared and several copies were made or if additional
4 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
5 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
6 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
7 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
8 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
9 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
10 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
11 and government and government agency of every nature or type”; and/or to the extent this
12 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
13 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
14 envelopes, explanatory notes or memoranda, and any other material that accompanied the
15 document(s)” and “[i]f the specific document elicited a response, that response is also to be
16 identified and produced” and “[i]f the document was itself a response, the document to which it
17 responded is also to be identified and produced.”

18 Plaintiff intends to produce electronically stored information in a reasonably usable form.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
21 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
22 possession, custody, or control; and/or that is or should be available to Defendant and more
23 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
26 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
27 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional

1 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
2 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
4 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
5 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
7 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
8 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
9 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
10 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
11 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

12 Subject to and without waiver of these objections and Plaintiff’s General Objections,
13 Plaintiff responds as follows:

14 The Court has not yet entered a scheduling order in this case; the Court has not set a date
15 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
16 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
17 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
18 Request as this action and discovery proceed. Subject to the foregoing objections and to the
19 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
20 appropriate and, as discovery proceeds, will produce, before the close of discovery in
21 accordance with any scheduling order that the Court will issue in this case, responsive and
22 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
23 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
24 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
25 meet and confer regarding the scope of this Request.

26 **REQUEST FOR PRODUCTION NO. 71:**

1 All DOCUMENTS that EVIDENCE the allegations in paragraph 125 of the
2 COMPLAINT that “Defendants provided Plaintiff no associate or other support on her
3 assignment”; that “Defendants provided Mr. Blake with two junior associates with detailed case
4 knowledge as support on his similar assignment”; and that “Mr. De Vries asked Plaintiff to
5 provide ministerial assistance on Mr. Blake’s similar assignment”

6 **RESPONSE TO REQUEST FOR PRODUCTION 71:**

7 In addition to the foregoing General Objections, each of which is specifically
8 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
9 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
10 calculated to lead to the discovery of admissible evidence and that is not proportional to the
11 needs of this case, and as seeking discovery outside the permissible scope under the Federal
12 Rules and/or other applicable law.

13 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
14 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
15 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
16 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff’s work
17 and experience at trial with Defendants, discrimination, sex-based harassment constituting a
18 hostile work environment, and defamation, including Request Nos. 58–70. *See, e.g.*, Fed. R.
19 Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed.
20 R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as
21 overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
22 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
23 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
24 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
25 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
26 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.

P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
 the at most de minimis importance of cumulative and duplicative discovery requested ad
 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
 this Request to the extent it seeks production of electronically stored information that is not in
 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 expense. Plaintiff further objects to this Request because it seeks production of electronically
 stored information, including seeking discovery of duplicative and/or cumulative electronically
 stored information, including without limitation to the extent this Request seeks "[a]ll"
 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 stored information from sources that are not reasonably accessible because of undue burden or
 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 to this Request to the extent it seeks production of electronically stored information in more than
 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff

1 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
6 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
7 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
8 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
9 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
11 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
12 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
14 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
15 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
16 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
17 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
18 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Subject to and without waiver of these objections and Plaintiff's General Objections,
20 Plaintiff responds as follows:

21 The Court has not yet entered a scheduling order in this case; the Court has not set a date
22 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
23 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
24 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
25 Request as this action and discovery proceed. Subject to the foregoing objections and to the
26 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
27 appropriate and, as discovery proceeds, will produce, before the close of discovery in
28

1 accordance with any scheduling order that the Court will issue in this case, responsive and
2 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
3 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
4 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
5 meet and confer regarding the scope of this Request.

6 **REQUEST FOR PRODUCTION NO. 72:**

7 All DOCUMENTS that EVIDENCE the allegations in paragraph 126 of the
8 COMPLAINT that "Plaintiff tried to set up meetings with Mr. De Vries to discuss the
9 assignment, given that she had just been added to the team, had no associate support, was still
10 significantly contributing to the ITC Investigation per Defendants' instructions and assignments,
11 and also was working on damages for Ms. Schmidt. However, Mr. De Vries canceled,
12 rescheduled, or simply did not attend the meetings scheduled by Plaintiff. Despite Mr. De Vries
13 blowing off these meetings that were necessary to advance the assignment"; and that "On the
14 evening of Saturday, April 17, 2021, Plaintiff was first afforded the privilege of meeting with
15 Mr. De Vries to discuss the assignment for his upcoming cross-examination on the morning of
16 Monday, April 19, 2021. Prior to the first meeting, Plaintiff had sent Mr. De Vries documents
17 and materials supportive of the trial themes, based on a high-level discussion on the evening of
18 April 13, 2021 with Mr. De Vries and Mr. Blake, which discussion was not specific to
19 Plaintiff's assignment for Mr. De Vries. Contrary to Mr. De Vries' 'evaluation,' Plaintiff met
20 every deadline for her assignment for Mr. De Vries. Plaintiff is unaware of Mr. Blake having
21 any difficulty scheduling meetings with or having accessibility to Mr. De Vries to discuss his
22 assignment. During the discussion on the evening of Tuesday, April 13, 2021 with Mr. De Vries
23 and Mr. Blake, Mr. De Vries told Plaintiff that she need not create an outline because he always
24 rewrites outlines that associates prepare for him. (When Plaintiff expressed surprise about the
25 same during a subsequent discussion with Mr. Blake, he confirmed that Mr. De Vries always
26 rewrites outlines for trial examinations.)".

27 **RESPONSE TO REQUEST FOR PRODUCTION 72:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work
11 and experience at trial with Defendants, discrimination, sex-based harassment constituting a
12 hostile work environment, and defamation, including Request Nos. 58–71. *See, e.g.*, Fed. R.
13 Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed.
14 R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as
15 overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
16 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
17 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
18 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
19 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
20 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.
21 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R.
22 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

23 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
24 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
25 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
26 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
27 production of electronically stored information, to the extent this Request seeks “[a]ll”
28

1 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
4 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information
6 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
7 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
9 it seeks production of electronically stored information that is unreasonably cumulative or
10 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
11 seeks production of electronically stored information that is or can be obtained from some other
12 source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-
13 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
14 production of electronically stored information that exceeds the scope of discovery permitted by
15 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
16 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
17 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
18 considering the importance of the issues at stake in the action, the amount in controversy, the
19 parties’ relative access to relevant information, including Kirkland’s access to relevant
20 information because relevant information sought is or should be in Kirkland’s possession,
21 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
22 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
23 the at most de minimis importance of cumulative and duplicative discovery requested ad
24 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
25 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
26 this Request to the extent it seeks production of electronically stored information that is not in
27 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-

defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
3 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
4 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
5 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
6 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
7 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
8 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
9 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
10 including because the sought discovery is should be in Kirkland’s or its co-defendants’
11 possession, custody, or control, the importance of the discovery sought from Plaintiff in
12 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
13 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
14 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
15 of the case, and a seeking discovery outside the scope of discovery permitted or required under
16 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
17 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
18 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
20 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
21 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
22 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
24 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
25 recorded or graphic material, however produced or reproduced and all other tangible objects,
26 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
27 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and

1 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
2 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
3 produced” where “a document was prepared and several copies were made or if additional
4 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
5 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
6 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
7 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
8 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
9 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
10 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
11 and government and government agency of every nature or type”; and/or to the extent this
12 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
13 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
14 envelopes, explanatory notes or memoranda, and any other material that accompanied the
15 document(s)” and “[i]f the specific document elicited a response, that response is also to be
16 identified and produced” and “[i]f the document was itself a response, the document to which it
17 responded is also to be identified and produced.”

18 Plaintiff intends to produce electronically stored information in a reasonably usable form.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
21 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
22 possession, custody, or control; and/or that is or should be available to Defendant and more
23 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
26 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
27 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional

1 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
2 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
4 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
5 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
7 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
8 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
9 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
10 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
11 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

12 Subject to and without waiver of these objections and Plaintiff’s General Objections,
13 Plaintiff responds as follows:

14 The Court has not yet entered a scheduling order in this case; the Court has not set a date
15 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
16 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
17 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
18 Request as this action and discovery proceed. Subject to the foregoing objections and to the
19 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
20 appropriate and, as discovery proceeds, will produce, before the close of discovery in
21 accordance with any scheduling order that the Court will issue in this case, responsive and
22 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
23 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
24 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
25 meet and confer regarding the scope of this Request.

26 **REQUEST FOR PRODUCTION NO. 73:**

1 All DOCUMENTS that EVIDENCE the allegations in paragraph 127 of the
2 COMPLAINT that “Mr. De Vries was very pleased with Plaintiff’s work on the cross-
3 examination and conveyed the same to Plaintiff while they were at trial, including when he
4 characterized her work as ‘great and very helpful’ on April 17, 2021”; and that “[a]fter cross-
5 examination and separately after receiving the jury verdict, Mr. De Vries thanked Plaintiff again
6 for her work”.

7 **RESPONSE TO REQUEST FOR PRODUCTION 73:**

8 In addition to the foregoing General Objections, each of which is specifically
9 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
10 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
11 calculated to lead to the discovery of admissible evidence and that is not proportional to the
12 needs of this case, and as seeking discovery outside the permissible scope under the Federal
13 Rules and/or other applicable law.

14 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
15 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
16 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
17 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff’s work
18 and experience at trial with Defendants, discrimination, sex-based harassment constituting a
19 hostile work environment, and defamation, including Request Nos. 58–72. *See, e.g.,* Fed. R.
20 Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed.
21 R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as
22 overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
23 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
24 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
25 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
26 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
27 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ.

P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
22 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
23 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
24 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
25 to this Request to the extent it seeks production of electronically stored information in more than
26 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
27 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff

1 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
6 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
7 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
8 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
9 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
11 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
12 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
14 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
15 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
16 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
17 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
18 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Subject to and without waiver of these objections and Plaintiff's General Objections,
20 Plaintiff responds as follows:

21 The Court has not yet entered a scheduling order in this case; the Court has not set a date
22 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
23 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
24 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
25 Request as this action and discovery proceed. Subject to the foregoing objections and to the
26 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
27 appropriate and, as discovery proceeds, will produce, before the close of discovery in
28

1 accordance with any scheduling order that the Court will issue in this case, responsive and
2 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
3 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
4 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
5 meet and confer regarding the scope of this Request.

6 **REQUEST FOR PRODUCTION NO. 74:**

7 All DOCUMENTS that EVIDENCE the allegations in paragraph 129 of the
8 COMPLAINT that Mr. Alper, Mr. De Vries, and Mr. Deoras decided "to have Mr. Blake
9 personally join them on a charter flight home from trial, while Plaintiff and Female Associate M
10 were not afforded the privilege to fly home exclusively with male share partners".

11 **RESPONSE TO REQUEST FOR PRODUCTION 74:**

12 In addition to the foregoing General Objections, each of which is specifically
13 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
14 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
15 calculated to lead to the discovery of admissible evidence and that is not proportional to the
16 needs of this case, and as seeking discovery outside the permissible scope under the Federal
17 Rules and/or other applicable law.

18 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
19 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
20 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
21 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work
22 and experience at trial with Defendants, discrimination, and sex-based harassment constituting a
23 hostile work environment, including Request Nos. 58–73. *See, e.g.,* Fed. R. Civ. P.
24 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ.
25 P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly
26 broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
27 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it

1 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
 2 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
 3 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
 4 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.
 5 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R.
 6 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 9 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 10 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 11 production of electronically stored information, to the extent this Request seeks “[a]ll”
 12 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 13 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 14 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 15 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 16 objects to this Request to the extent it seeks production of electronically stored information
 17 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 18 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 20 it seeks production of electronically stored information that is unreasonably cumulative or
 21 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 22 seeks production of electronically stored information that is or can be obtained from some other
 23 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 24 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 25 production of electronically stored information that exceeds the scope of discovery permitted by
 26 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 27 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
 28

1 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
2 considering the importance of the issues at stake in the action, the amount in controversy, the
3 parties' relative access to relevant information, including Kirkland's access to relevant
4 information because relevant information sought is or should be in Kirkland's possession,
5 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
6 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
7 the at most de minimis importance of cumulative and duplicative discovery requested ad
8 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
9 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
10 this Request to the extent it seeks production of electronically stored information that is not in
11 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
12 defendants' possession, custody, or control; and/or that is or should be available to Defendant
13 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff further objects to this Request because it seeks production of electronically
15 stored information, including seeking discovery of duplicative and/or cumulative electronically
16 stored information, including without limitation to the extent this Request seeks "[a]ll"
17 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
18 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
19 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
20 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
21 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
22 stored information from sources that are not reasonably accessible because of undue burden or
23 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
24 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
25 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
26 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
27 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.

Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll

DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
11 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
12 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
13 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
16 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
19 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
20 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
21 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
22 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
23 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Subject to and without waiver of these objections and Plaintiff’s General Objections,
25 Plaintiff responds as follows:

26 The Court has not yet entered a scheduling order in this case; the Court has not set a date
27 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
28

responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 75:

All DOCUMENTS that EVIDENCE the allegations in paragraph 130 of the COMPLAINT that "Mr. Blake told Plaintiff about his all-boys' club flight home but told Plaintiff not to tell anyone, demonstrating that he and the involved partners were trying to hide from others conduct they knew was false [sic] and discriminatory".

RESPONSE TO REQUEST FOR PRODUCTION 75:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, and sex-based harassment constituting a

hostile work environment, including Request Nos. 58–74. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other

1 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
2 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
3 production of electronically stored information that exceeds the scope of discovery permitted by
4 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
5 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
6 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
7 considering the importance of the issues at stake in the action, the amount in controversy, the
8 parties' relative access to relevant information, including Kirkland's access to relevant
9 information because relevant information sought is or should be in Kirkland's possession,
10 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
11 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
12 the at most de minimis importance of cumulative and duplicative discovery requested ad
13 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
14 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
15 this Request to the extent it seeks production of electronically stored information that is not in
16 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
17 defendants' possession, custody, or control; and/or that is or should be available to Defendant
18 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
19 expense. Plaintiff further objects to this Request because it seeks production of electronically
20 stored information, including seeking discovery of duplicative and/or cumulative electronically
21 stored information, including without limitation to the extent this Request seeks "[a]ll"
22 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
23 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
24 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
25 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
26 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
27 stored information from sources that are not reasonably accessible because of undue burden or
28

1 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
2 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
3 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
4 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
5 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
6 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
7 to this Request to the extent it seeks production of electronically stored information in more than
8 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
9 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
10 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
11 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
12 graphic material, however produced or reproduced and all other tangible objects, including, but
13 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
14 specified means] or other means” “and all drafts and summaries thereof” “and any
15 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
16 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
19 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
20 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
21 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
22 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
23 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
24 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
25 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
26 including because the sought discovery is should be in Kirkland’s or its co-defendants’
27 possession, custody, or control, the importance of the discovery sought from Plaintiff in

1 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
2 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
3 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
4 of the case, and as seeking discovery outside the scope of discovery permitted or required under
5 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
6 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
7 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
9 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
10 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
11 and as seeking discovery outside the scope of discovery permitted under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
13 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
14 recorded or graphic material, however produced or reproduced and all other tangible objects,
15 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
16 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
17 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
18 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
19 produced” where “a document was prepared and several copies were made or if additional
20 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
21 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
22 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
23 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
24 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
25 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
26 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
27 and government and government agency of every nature or type”; and/or to the extent this

Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
9 appropriate and, as discovery proceeds, will produce, before the close of discovery in
10 accordance with any scheduling order that the Court will issue in this case, responsive and
11 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
12 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
13 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
14 meet and confer regarding the scope of this Request. Plaintiff states that Mr. Blake made the
15 aforementioned comment verbally.

16 **REQUEST FOR PRODUCTION NO. 76:**

17 All DOCUMENTS that EVIDENCE the allegations in paragraph 130, footnote 36 of the
18 COMPLAINT that "Plaintiff spoke with a female IP litigation associate" who "agreed that the
19 culture reflected that of an all-boys' club".

20 **RESPONSE TO REQUEST FOR PRODUCTION 76:**

21 In addition to the foregoing General Objections, each of which is specifically
22 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
23 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
24 calculated to lead to the discovery of admissible evidence and that is not proportional to the
25 needs of this case, and as seeking discovery outside the permissible scope under the Federal
26 Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, and sex-based harassment constituting a hostile work environment. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE" and incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or

1 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
3 it seeks production of electronically stored information that is unreasonably cumulative or
4 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
5 seeks production of electronically stored information that is or can be obtained from some other
6 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
7 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
8 production of electronically stored information that exceeds the scope of discovery permitted by
9 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
10 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
11 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
12 considering the importance of the issues at stake in the action, the amount in controversy, the
13 parties' relative access to relevant information, including Kirkland's access to relevant
14 information because relevant information sought is or should be in Kirkland's possession,
15 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
16 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
17 the at most de minimis importance of cumulative and duplicative discovery requested ad
18 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
19 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
20 this Request to the extent it seeks production of electronically stored information that is not in
21 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
22 defendants' possession, custody, or control; and/or that is or should be available to Defendant
23 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff further objects to this Request because it seeks production of electronically
25 stored information, including seeking discovery of duplicative and/or cumulative electronically
26 stored information, including without limitation to the extent this Request seeks "[a]ll"
27 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of

1 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
2 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
4 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
5 stored information from sources that are not reasonably accessible because of undue burden or
6 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
7 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
8 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
9 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
10 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
11 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
12 to this Request to the extent it seeks production of electronically stored information in more than
13 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
14 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
15 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
16 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
17 graphic material, however produced or reproduced and all other tangible objects, including, but
18 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
19 specified means] or other means” “and all drafts and summaries thereof” “and any
20 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
21 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
22 produced” where “a document was prepared and several copies were made or if additional
23 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
24 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
25 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
26 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
27 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

1 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
2 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
3 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
4 including because the sought discovery is should be in Kirkland's or its co-defendants'
5 possession, custody, or control, the importance of the discovery sought from Plaintiff in
6 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
7 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
8 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
9 of the case, and a seeking discovery outside the scope of discovery permitted or required under
10 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
11 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
12 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
14 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
15 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
16 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
17 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
18 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
19 recorded or graphic material, however produced or reproduced and all other tangible objects,
20 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
21 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
22 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
23 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
24 produced" where "a document was prepared and several copies were made or if additional
25 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
26 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
27 transmittal in any manner or received by any means by YOU" and/or "[w]herever such

1 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
2 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
3 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
4 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
5 and government and government agency of every nature or type”; and/or to the extent this
6 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
7 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
8 envelopes, explanatory notes or memoranda, and any other material that accompanied the
9 document(s)” and “[i]f the specific document elicited a response, that response is also to be
10 identified and produced” and “[i]f the document was itself a response, the document to which it
11 responded is also to be identified and produced.”

12 Plaintiff intends to produce electronically stored information in a reasonably usable form.

13 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
14 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
15 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
16 possession, custody, or control; and/or that is or should be available to Defendant and more
17 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

18 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
19 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
20 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
21 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
22 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
23 Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
25 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
26 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
27 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and

1 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
2 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
3 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
4 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
5 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

6 Subject to and without waiver of these objections and Plaintiff’s General Objections,
7 Plaintiff responds as follows:

8 The Court has not yet entered a scheduling order in this case; the Court has not set a date
9 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
10 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
11 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
12 Request as this action and discovery proceed. Subject to the foregoing objections and to the
13 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
14 appropriate and, as discovery proceeds, will produce, before the close of discovery in
15 accordance with any scheduling order that the Court will issue in this case, responsive and
16 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
17 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
18 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
19 meet and confer regarding the scope of this Request. Plaintiff states that the conversation that
20 was had with the female IP litigation associate was verbal.

21 **REQUEST FOR PRODUCTION NO. 77:**

22 All DOCUMENTS that EVIDENCE the allegations in paragraph 131 of the
23 COMPLAINT that Plaintiff had an April 29, 2021 Zoom meeting with Mr. Deoras in which
24 Plaintiff complained about “Defendants’ Unlawful Employment Practices based on her unfair
25 treatment related to her trial experience”.

26 **RESPONSE TO REQUEST FOR PRODUCTION 77:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work
11 and experience at trial with Defendants, discrimination, sex-based harassment constituting a
12 hostile work environment, and defamation, including Request Nos. 58–76. *See, e.g.*, Fed. R.
13 Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed.
14 R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as
15 overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
16 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
17 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
18 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
19 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
20 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.
21 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R.
22 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

23 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
24 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
25 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
26 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
27 production of electronically stored information, to the extent this Request seeks “[a]ll”
28

1 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
4 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information
6 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
7 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
9 it seeks production of electronically stored information that is unreasonably cumulative or
10 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
11 seeks production of electronically stored information that is or can be obtained from some other
12 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
13 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
14 production of electronically stored information that exceeds the scope of discovery permitted by
15 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
16 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
17 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
18 considering the importance of the issues at stake in the action, the amount in controversy, the
19 parties’ relative access to relevant information, including Kirkland’s access to relevant
20 information because relevant information sought is or should be in Kirkland’s possession,
21 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
22 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
23 the at most de minimis importance of cumulative and duplicative discovery requested ad
24 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
25 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
26 this Request to the extent it seeks production of electronically stored information that is not in
27 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-

defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
3 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
4 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
5 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
6 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
7 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
8 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
9 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
10 including because the sought discovery is should be in Kirkland’s or its co-defendants’
11 possession, custody, or control, the importance of the discovery sought from Plaintiff in
12 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
13 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
14 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
15 of the case, and a seeking discovery outside the scope of discovery permitted or required under
16 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
17 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
18 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
20 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
21 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
22 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
24 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
25 recorded or graphic material, however produced or reproduced and all other tangible objects,
26 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
27 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and

1 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
2 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
3 produced” where “a document was prepared and several copies were made or if additional
4 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
5 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
6 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
7 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
8 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
9 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
10 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
11 and government and government agency of every nature or type”; and/or to the extent this
12 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
13 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
14 envelopes, explanatory notes or memoranda, and any other material that accompanied the
15 document(s)” and “[i]f the specific document elicited a response, that response is also to be
16 identified and produced” and “[i]f the document was itself a response, the document to which it
17 responded is also to be identified and produced.”

18 Plaintiff intends to produce electronically stored information in a reasonably usable form.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
21 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
22 possession, custody, or control; and/or that is or should be available to Defendant and more
23 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
26 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
27 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional

1 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
2 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
4 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
5 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
7 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
8 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
9 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
10 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
11 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

12 Subject to and without waiver of these objections and Plaintiff’s General Objections,
13 Plaintiff responds as follows:

14 The Court has not yet entered a scheduling order in this case; the Court has not set a date
15 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
16 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
17 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
18 Request as this action and discovery proceed. Subject to the foregoing objections and to the
19 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
20 appropriate and, as discovery proceeds, will produce, before the close of discovery in
21 accordance with any scheduling order that the Court will issue in this case, responsive and
22 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
23 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
24 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
25 meet and confer regarding the scope of this Request.

26 **REQUEST FOR PRODUCTION NO. 78:**

1 All DOCUMENTS that EVIDENCE the allegations in paragraph 132 of the
 2 COMPLAINT that “On the Zoom meeting, Mr. Deoras stated multiple times that its purpose
 3 was to determine whether there was a personal issue bothering Plaintiff with which they or
 4 Kirkland could help because they had noticed a change in Plaintiff’s demeanor at trial.”

5 **RESPONSE TO REQUEST FOR PRODUCTION 78:**

6 In addition to the foregoing General Objections, each of which is specifically
 7 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 8 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
 9 calculated to lead to the discovery of admissible evidence and that is not proportional to the
 10 needs of this case, and as seeking discovery outside the permissible scope under the Federal
 11 Rules and/or other applicable law.

12 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 13 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 14 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 15 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff’s work
 16 and experience at trial with Defendants, discrimination, sex-based harassment constituting a
 17 hostile work environment, and defamation, including Request Nos. 58–77. *See, e.g.,* Fed. R.
 18 Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed.
 19 R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as
 20 overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
 21 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
 22 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
 23 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
 24 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
 25 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ.
 26 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R.
 27 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
2 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
3 recorded or graphic material, however produced or reproduced and all other tangible objects,
4 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
5 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
6 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
7 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
10 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
11 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
12 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
13 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
14 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
15 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
16 and government and government agency of every nature or type”; and/or to the extent this
17 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
18 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
19 envelopes, explanatory notes or memoranda, and any other material that accompanied the
20 document(s)” and “[i]f the specific document elicited a response, that response is also to be
21 identified and produced” and “[i]f the document was itself a response, the document to which it
22 responded is also to be identified and produced.”

23 Plaintiff intends to produce electronically stored information in a reasonably usable form.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
26 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
27

1 possession, custody, or control; and/or that is or should be available to Defendant and more
2 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
15 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
16 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
17 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed. Subject to the foregoing objections and to the
25 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
26 appropriate and, as discovery proceeds, will produce, before the close of discovery in
27 accordance with any scheduling order that the Court will issue in this case, responsive and

relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 79:

All DOCUMENTS that EVIDENCE the allegations in paragraph 133 of the COMPLAINT that "Ms. Schmidt falsely claimed that Plaintiff did not work on any non-trial work and that she was unaware of Plaintiff having any non-trial matter work".

RESPONSE TO REQUEST FOR PRODUCTION 79:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 58–78, 82–83, 199–200. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE"

statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,

1 considering the importance of the issues at stake in the action, the amount in controversy, the
2 parties' relative access to relevant information, including Kirkland's access to relevant
3 information because relevant information sought is or should be in Kirkland's possession,
4 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
5 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
6 the at most de minimis importance of cumulative and duplicative discovery requested ad
7 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
8 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
9 this Request to the extent it seeks production of electronically stored information that is not in
10 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
11 defendants' possession, custody, or control; and/or that is or should be available to Defendant
12 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
13 expense. Plaintiff further objects to this Request because it seeks production of electronically
14 stored information, including seeking discovery of duplicative and/or cumulative electronically
15 stored information, including without limitation to the extent this Request seeks "[a]ll"
16 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
17 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
18 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
19 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
20 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
21 stored information from sources that are not reasonably accessible because of undue burden or
22 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
23 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
24 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
25 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
26 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
27 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects

1 to this Request to the extent it seeks production of electronically stored information in more than
2 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
3 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
4 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
5 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
6 graphic material, however produced or reproduced and all other tangible objects, including, but
7 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
8 specified means] or other means” “and all drafts and summaries thereof” “and any
9 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
10 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
11 produced” where “a document was prepared and several copies were made or if additional
12 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
13 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
14 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
15 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
16 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
18 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
19 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
20 including because the sought discovery is should be in Kirkland’s or its co-defendants’
21 possession, custody, or control, the importance of the discovery sought from Plaintiff in
22 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
23 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
24 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
25 of the case, and a seeking discovery outside the scope of discovery permitted or required under
26 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
27 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require

1 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
3 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
4 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
5 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
7 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
8 recorded or graphic material, however produced or reproduced and all other tangible objects,
9 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
10 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
11 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
12 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
13 produced” where “a document was prepared and several copies were made or if additional
14 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
15 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
16 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
17 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
18 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
19 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
20 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
21 and government and government agency of every nature or type”; and/or to the extent this
22 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
23 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
24 envelopes, explanatory notes or memoranda, and any other material that accompanied the
25 document(s)” and “[i]f the specific document elicited a response, that response is also to be
26 identified and produced” and “[i]f the document was itself a response, the document to which it
27 responded is also to be identified and produced.”

1 Plaintiff intends to produce electronically stored information in a reasonably usable form.

2 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
3 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
4 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
5 possession, custody, or control; and/or that is or should be available to Defendant and more
6 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

7 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
8 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
9 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
10 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
11 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
12 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
14 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
15 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
16 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
17 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
18 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
19 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
20 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
21 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

22 Subject to and without waiver of these objections and Plaintiff's General Objections,
23 Plaintiff responds as follows:

24 The Court has not yet entered a scheduling order in this case; the Court has not set a date
25 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
26 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
27 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
28

1 Request as this action and discovery proceed. Subject to the foregoing objections and to the
2 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
3 appropriate and, as discovery proceeds, will produce, before the close of discovery in
4 accordance with any scheduling order that the Court will issue in this case, responsive and
5 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
6 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
7 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
8 meet and confer regarding the scope of this Request.

9 **REQUEST FOR PRODUCTION NO. 80:**

10 All DOCUMENTS that EVIDENCE the allegations in paragraph 134 of the
11 COMPLAINT that "Mr. Deoras agreed with Ms. Schmidt initially with respect to Plaintiff not
12 having to work on non-trial matter work, prompting Plaintiff to push back and double down on
13 her unfair treatment and offer to provide them with the total number of hours she worked on
14 non-trial work. Mr. Deoras said that was not necessary, and at this point Mr. Deoras refocused
15 the conversation to the purpose of the meeting, which was to check in on Plaintiff generally. At
16 this point Mr. Deoras also told Plaintiff if she ever had workload or other issues, she should
17 come to him, because he was aware of associate and partner workload in the IP litigation group
18 and was generally responsible for helping to allocate work appropriately."

19 **RESPONSE TO REQUEST FOR PRODUCTION 80:**

20 In addition to the foregoing General Objections, each of which is specifically
21 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
22 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
23 calculated to lead to the discovery of admissible evidence and that is not proportional to the
24 needs of this case, and as seeking discovery outside the permissible scope under the Federal
25 Rules and/or other applicable law.

26 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
27 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 58–79. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent

1 it seeks production of electronically stored information that is unreasonably cumulative or
2 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
3 seeks production of electronically stored information that is or can be obtained from some other
4 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
5 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
6 production of electronically stored information that exceeds the scope of discovery permitted by
7 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
8 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
9 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
10 considering the importance of the issues at stake in the action, the amount in controversy, the
11 parties' relative access to relevant information, including Kirkland's access to relevant
12 information because relevant information sought is or should be in Kirkland's possession,
13 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
14 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
15 the at most de minimis importance of cumulative and duplicative discovery requested ad
16 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
17 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
18 this Request to the extent it seeks production of electronically stored information that is not in
19 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
20 defendants' possession, custody, or control; and/or that is or should be available to Defendant
21 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
22 expense. Plaintiff further objects to this Request because it seeks production of electronically
23 stored information, including seeking discovery of duplicative and/or cumulative electronically
24 stored information, including without limitation to the extent this Request seeks "[a]ll"
25 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
26 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
27 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.

26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources

1 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
2 including because the sought discovery is should be in Kirkland’s or its co-defendants’
3 possession, custody, or control, the importance of the discovery sought from Plaintiff in
4 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
5 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
6 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
7 of the case, and a seeking discovery outside the scope of discovery permitted or required under
8 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
9 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
10 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
12 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
13 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
14 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
16 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
17 recorded or graphic material, however produced or reproduced and all other tangible objects,
18 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
19 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
20 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
21 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
22 produced” where “a document was prepared and several copies were made or if additional
23 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
24 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
25 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
26 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
27 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her

1 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
2 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
3 and government and government agency of every nature or type”; and/or to the extent this
4 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
5 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
6 envelopes, explanatory notes or memoranda, and any other material that accompanied the
7 document(s)” and “[i]f the specific document elicited a response, that response is also to be
8 identified and produced” and “[i]f the document was itself a response, the document to which it
9 responded is also to be identified and produced.”

10 Plaintiff intends to produce electronically stored information in a reasonably usable form.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
12 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
13 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
14 possession, custody, or control; and/or that is or should be available to Defendant and more
15 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

16 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
17 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
18 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
19 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
20 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
21 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
22 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
23 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
24 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
25 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
26 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
27 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks

discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 81:

All DOCUMENTS that EVIDENCE the allegations in paragraph 136 of the COMPLAINT that “After this meeting, Plaintiff reviewed Firm policies to determine whether it had any established policies for reporting Unlawful Employment Practices such as discrimination and harassment. The Firm had a policy for reporting harassment but not discrimination. The policy provided reporting contacts for each Firm office, namely, two share partners based out of each office. However, the reporting contacts for the San Francisco office were stale: they were no longer with the Firm.”

RESPONSE TO REQUEST FOR PRODUCTION 81:

1 In addition to the foregoing General Objections, each of which is specifically
 2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
 4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
 5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
 6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 10 duplicative of discovery sought in other Requests, including Request No. 154. *See, e.g.*, Fed. R.
 11 Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed.
 12 R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as
 13 overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
 14 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
 15 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
 16 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
 17 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
 18 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.
 19 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R.
 20 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 22 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 23 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 24 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 25 production of electronically stored information, to the extent this Request seeks “[a]ll”
 26 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 27 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.

26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production

1 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
2 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
3 defendants' possession, custody, or control; and/or are or should be available to Defendant and
4 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
5 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
6 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
7 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
8 including because the sought discovery is should be in Kirkland's or its co-defendants'
9 possession, custody, or control, the importance of the discovery sought from Plaintiff in
10 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
11 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
12 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
13 of the case, and a seeking discovery outside the scope of discovery permitted or required under
14 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
15 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
16 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
18 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
19 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
20 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
21 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
22 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
23 recorded or graphic material, however produced or reproduced and all other tangible objects,
24 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
25 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
26 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
27 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
3 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
4 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
5 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
6 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
7 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
8 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
9 and government and government agency of every nature or type”; and/or to the extent this
10 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
11 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
12 envelopes, explanatory notes or memoranda, and any other material that accompanied the
13 document(s)” and “[i]f the specific document elicited a response, that response is also to be
14 identified and produced” and “[i]f the document was itself a response, the document to which it
15 responded is also to be identified and produced.”

16 Plaintiff intends to produce electronically stored information in a reasonably usable form.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
19 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
20 possession, custody, or control; and/or that is or should be available to Defendant and more
21 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
24 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
25 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
26 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
27 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 82:

All DOCUMENTS that EVIDENCE the allegations in paragraph 137 of the COMPLAINT that Plaintiff had a second April 29 meeting with Mr. Deoras in which Plaintiff continued “to complain about her unfair treatment, particularly with respect to Ms. Schmidt’s

lies as to whether Plaintiff had been subjected to disparate treatment at trial”; that “Mr. Deoras stated that Plaintiff would have to continue working with the team at issue, including Ms. Schmidt, and that he had no interest looking back at the opposed conduct”; and that “Mr. Deoras went on to compliment Plaintiff with respect to her abilities as an attorney and made the express point that he enjoyed working with Plaintiff and that the intention was for her to grow with Kirkland and with the IP litigation group”.

RESPONSE TO REQUEST FOR PRODUCTION 82:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff’s work and experience at trial with Defendants, discrimination, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 58–79, 83, 199–200. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1.

1 *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B);
2 *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
3 26(g)(1)(B)–(C).

4 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
5 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
6 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
7 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
8 production of electronically stored information, to the extent this Request seeks “[a]ll”
9 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
10 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
11 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
12 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
13 objects to this Request to the extent it seeks production of electronically stored information
14 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
15 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
17 it seeks production of electronically stored information that is unreasonably cumulative or
18 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
19 seeks production of electronically stored information that is or can be obtained from some other
20 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
21 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
22 production of electronically stored information that exceeds the scope of discovery permitted by
23 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
24 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
25 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
26 considering the importance of the issues at stake in the action, the amount in controversy, the
27 parties’ relative access to relevant information, including Kirkland’s access to relevant

information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expansive resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.

R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
 graphic material, however produced or reproduced and all other tangible objects, including, but
 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
 specified means] or other means” “and all drafts and summaries thereof” “and any
 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
 produced” where “a document was prepared and several copies were made or if additional
 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
 including because the sought discovery is should be in Kirkland’s or its co-defendants’
 possession, custody, or control, the importance of the discovery sought from Plaintiff in
 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
 of the case, and a seeking discovery outside the scope of discovery permitted or required under
 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).

1 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
2 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
3 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
4 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
5 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
6 recorded or graphic material, however produced or reproduced and all other tangible objects,
7 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
8 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
9 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
10 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
11 produced” where “a document was prepared and several copies were made or if additional
12 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
13 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
14 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
15 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
16 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
17 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
18 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
19 and government and government agency of every nature or type”; and/or to the extent this
20 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
21 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
22 envelopes, explanatory notes or memoranda, and any other material that accompanied the
23 document(s)” and “[i]f the specific document elicited a response, that response is also to be
24 identified and produced” and “[i]f the document was itself a response, the document to which it
25 responded is also to be identified and produced.”

26 Plaintiff intends to produce electronically stored information in a reasonably usable form.
27
28

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
3 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
4 possession, custody, or control; and/or that is or should be available to Defendant and more
5 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
8 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
9 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
10 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
11 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
12 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
13 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
14 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
16 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
17 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
18 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
19 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
20 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Subject to and without waiver of these objections and Plaintiff's General Objections,
22 Plaintiff responds as follows:

23 The Court has not yet entered a scheduling order in this case; the Court has not set a date
24 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
25 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
26 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
27 Request as this action and discovery proceed. Subject to the foregoing objections and to the

1 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
2 appropriate and, as discovery proceeds, will produce, before the close of discovery in
3 accordance with any scheduling order that the Court will issue in this case, responsive and
4 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
5 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
6 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
7 meet and confer regarding the scope of this Request.

8 **REQUEST FOR PRODUCTION NO. 83:**

9 All DOCUMENTS that EVIDENCE the allegations in paragraph 138 of the
10 COMPLAINT that "Mr. Deoras made clear that Plaintiff had no performance issues and instead
11 intimated the opposite".

12 **RESPONSE TO REQUEST FOR PRODUCTION 83:**

13 In addition to the foregoing General Objections, each of which is specifically
14 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
15 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
16 calculated to lead to the discovery of admissible evidence and that is not proportional to the
17 needs of this case, and as seeking discovery outside the permissible scope under the Federal
18 Rules and/or other applicable law.

19 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
20 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
21 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
22 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work
23 and experience at trial with Defendants, discrimination, sex-based harassment constituting a
24 hostile work environment, and defamation, including Request Nos. 58–79, 82, 199–200. *See,*
25 *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
26 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects
27 to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery

1 outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable
2 law because it seeks discovery that is cumulative and/or duplicative to the extent this Request
3 seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE”
4 statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of
5 “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1.
6 *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B);
7 *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
8 26(g)(1)(B)–(C).

9 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
10 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
11 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
12 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
13 production of electronically stored information, to the extent this Request seeks “[a]ll”
14 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
15 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
17 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
18 objects to this Request to the extent it seeks production of electronically stored information
19 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
20 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
22 it seeks production of electronically stored information that is unreasonably cumulative or
23 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
24 seeks production of electronically stored information that is or can be obtained from some other
25 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
26 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
27 production of electronically stored information that exceeds the scope of discovery permitted by
28

1 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
2 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
3 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
4 considering the importance of the issues at stake in the action, the amount in controversy, the
5 parties' relative access to relevant information, including Kirkland's access to relevant
6 information because relevant information sought is or should be in Kirkland's possession,
7 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
8 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
9 the at most de minimis importance of cumulative and duplicative discovery requested ad
10 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
11 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
12 this Request to the extent it seeks production of electronically stored information that is not in
13 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
14 defendants' possession, custody, or control; and/or that is or should be available to Defendant
15 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
16 expense. Plaintiff further objects to this Request because it seeks production of electronically
17 stored information, including seeking discovery of duplicative and/or cumulative electronically
18 stored information, including without limitation to the extent this Request seeks "[a]ll"
19 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
20 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
21 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
22 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
23 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
24 stored information from sources that are not reasonably accessible because of undue burden or
25 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
26 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
27 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the

1 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
2 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
3 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
4 to this Request to the extent it seeks production of electronically stored information in more than
5 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
6 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
7 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
8 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
9 graphic material, however produced or reproduced and all other tangible objects, including, but
10 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
11 specified means] or other means” “and all drafts and summaries thereof” “and any
12 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
13 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
14 produced” where “a document was prepared and several copies were made or if additional
15 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
16 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
17 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
18 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
19 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
21 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
22 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
23 including because the sought discovery is should be in Kirkland’s or its co-defendants’
24 possession, custody, or control, the importance of the discovery sought from Plaintiff in
25 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
26 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
27 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs

of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the

1 document(s)” and “[i]f the specific document elicited a response, that response is also to be
2 identified and produced” and “[i]f the document was itself a response, the document to which it
3 responded is also to be identified and produced.”

4 Plaintiff intends to produce electronically stored information in a reasonably usable form.

5 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
6 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
7 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
8 possession, custody, or control; and/or that is or should be available to Defendant and more
9 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

10 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
11 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
12 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
13 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
14 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
15 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
17 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
18 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
19 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
20 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
21 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
22 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
23 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
24 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

25 Subject to and without waiver of these objections and Plaintiff’s General Objections,
26 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
7 appropriate and, as discovery proceeds, will produce, before the close of discovery in
8 accordance with any scheduling order that the Court will issue in this case, responsive and
9 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
10 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
11 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
12 meet and confer regarding the scope of this Request.

13 **REQUEST FOR PRODUCTION NO. 84:**

14 All DOCUMENTS that EVIDENCE the allegations in paragraph 142 of the
15 COMPLAINT that "Plaintiff saw her treatment by Defendants gradually worsen after Plaintiff's
16 April 2021 complaint"; and that "Over time, however, it became increasingly clear that
17 Defendants were subjecting Plaintiff to discriminatory and retaliatory conduct and that
18 Plaintiff's discriminatory experience at trial was not a one-off but rather was Defendants'
19 standard operating procedure.

20 **RESPONSE TO REQUEST FOR PRODUCTION 84:**

21 In addition to the foregoing General Objections, each of which is specifically
22 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
23 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
24 calculated to lead to the discovery of admissible evidence and that is not proportional to the
25 needs of this case, and as seeking discovery outside the permissible scope under the Federal
26 Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, retaliation, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 85–90, 93–100. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland's definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland's definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

“DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 stored information from sources that are not reasonably accessible because of undue burden or
 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 to this Request to the extent it seeks production of electronically stored information in more than
 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
 graphic material, however produced or reproduced and all other tangible objects, including, but
 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
 specified means] or other means” “and all drafts and summaries thereof” “and any
 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
 produced” where “a document was prepared and several copies were made or if additional
 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

1 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
3 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
4 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
5 including because the sought discovery is should be in Kirkland's or its co-defendants'
6 possession, custody, or control, the importance of the discovery sought from Plaintiff in
7 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
8 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
9 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
10 of the case, and a seeking discovery outside the scope of discovery permitted or required under
11 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
12 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
13 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
15 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
16 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
17 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
19 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
20 recorded or graphic material, however produced or reproduced and all other tangible objects,
21 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
22 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
23 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
24 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
25 produced" where "a document was prepared and several copies were made or if additional
26 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
27 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of

Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature because Plaintiff cannot provide a full response until after further discovery is conducted.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 85:

All DOCUMENTS that EVIDENCE the allegations in paragraph 143 of the COMPLAINT that “Plaintiff was consistently inundated with substantive assignments with little to no support and under condense and competing deadlines, notwithstanding Defendants’ ability to more evenly spread work among associates and Plaintiff’s indications that support would be

helpful”; that “Defendants timely provided male IP litigation associates with meaningful support and reasonably space out their deadlines”; that “Defendants responded to emails (e.g., requesting input, proposing draft correspondences, etc.) from male associates more quickly than they did to emails from Plaintiff”; and that “Defendants also sabotaged any attempt by Plaintiff to take short scheduled vacations that were mostly (if not all) over weekends or on holidays”.

RESPONSE TO REQUEST FOR PRODUCTION 85:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff’s work and experience at trial with Defendants, discrimination, retaliation, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 84, 86–90, 93–100. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ.

P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
22 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
23 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
24 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
25 to this Request to the extent it seeks production of electronically stored information in more than
26 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
27 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff

1 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
6 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
7 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
8 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
9 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
11 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
12 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
14 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
15 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
16 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
17 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
18 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
20 full response until after further discovery is conducted.

21 Subject to and without waiver of these objections and Plaintiff's General Objections,
22 Plaintiff responds as follows:

23 The Court has not yet entered a scheduling order in this case; the Court has not set a date
24 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
25 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
26 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
27 Request as this action and discovery proceed. Subject to the foregoing objections and to the

1 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
2 appropriate and, as discovery proceeds, will produce, before the close of discovery in
3 accordance with any scheduling order that the Court will issue in this case, responsive and
4 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
5 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
6 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
7 meet and confer regarding the scope of this Request.

8 **REQUEST FOR PRODUCTION NO. 86:**

9 All DOCUMENTS that EVIDENCE the allegations in paragraph 144 of the
10 COMPLAINT that "[m]ultiple male comparator associates stated or indicated that the amount of
11 work Plaintiff had was extreme or unreasonable relative to their customary workload, which,
12 when combined with the below treatment (among other things) reignited Plaintiff's concerns
13 regarding discrimination and also triggered concerns about retaliation"; and that "Plaintiff also
14 saw changes in the degree and visibility of praise she received for her work (despite its quality
15 remaining the same), which changes coincided with the dates of Plaintiff's complaints of
16 Defendants' Unlawful Employment Practices"

17 **RESPONSE TO REQUEST FOR PRODUCTION 86:**

18 In addition to the foregoing General Objections, each of which is specifically
19 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
20 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
21 calculated to lead to the discovery of admissible evidence and that is not proportional to the
22 needs of this case, and as seeking discovery outside the permissible scope under the Federal
23 Rules and/or other applicable law.

24 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
25 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
26 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
27 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work

and experience at trial with Defendants, discrimination, retaliation, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 84–85, 87–90, 93–100. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or

1 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
2 seeks production of electronically stored information that is or can be obtained from some other
3 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
4 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
5 production of electronically stored information that exceeds the scope of discovery permitted by
6 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
7 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
8 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
9 considering the importance of the issues at stake in the action, the amount in controversy, the
10 parties' relative access to relevant information, including Kirkland's access to relevant
11 information because relevant information sought is or should be in Kirkland's possession,
12 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
13 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
14 the at most de minimis importance of cumulative and duplicative discovery requested ad
15 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
16 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
17 this Request to the extent it seeks production of electronically stored information that is not in
18 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or that is or should be available to Defendant
20 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff further objects to this Request because it seeks production of electronically
22 stored information, including seeking discovery of duplicative and/or cumulative electronically
23 stored information, including without limitation to the extent this Request seeks "[a]ll"
24 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
25 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
26 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
27 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.

34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,

including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent "YOU" and "YOUR" includes "any other PERSON representing" Plaintiff "or acting on her behalf," and/or to the extent "PERSON" means "any natural person, firm, entity, corporation,

1 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
2 and government and government agency of every nature or type”; and/or to the extent this
3 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
4 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
5 envelopes, explanatory notes or memoranda, and any other material that accompanied the
6 document(s)” and “[i]f the specific document elicited a response, that response is also to be
7 identified and produced” and “[i]f the document was itself a response, the document to which it
8 responded is also to be identified and produced.”

9 Plaintiff intends to produce electronically stored information in a reasonably usable form.

10 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
11 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
12 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
13 possession, custody, or control; and/or that is or should be available to Defendant and more
14 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

15 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
16 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
17 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
18 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
19 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
20 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
22 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
23 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
25 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
26 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
27 discovery not limited to the relevant time period regarding the facts at issue in this litigation.

1 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
2 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

3 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
4 full response until after further discovery is conducted.

5 Subject to and without waiver of these objections and Plaintiff’s General Objections,
6 Plaintiff responds as follows:

7 The Court has not yet entered a scheduling order in this case; the Court has not set a date
8 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
9 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
10 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
11 Request as this action and discovery proceed. Subject to the foregoing objections and to the
12 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
13 appropriate and, as discovery proceeds, will produce, before the close of discovery in
14 accordance with any scheduling order that the Court will issue in this case, responsive and
15 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
16 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
17 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
18 meet and confer regarding the scope of this Request.

19 **REQUEST FOR PRODUCTION NO. 87:**

20 All DOCUMENTS that EVIDENCE the allegations in paragraph 146 of the
21 COMPLAINT that Mr. Fahey reassigned work to Plaintiff from Male Associate G and “claimed
22 that he needed to reassign the work to Plaintiff because Male Associate G was ‘pretty tied up’
23 merely editing a single, already-drafted interrogatory response that was an iota of the amount of
24 work that was reassigned to Plaintiff to the benefit of Male Associate G (and Defendants)”; and
25 that “Plaintiff’s work developing the non-infringement theories and drafting the contentions was
26 met with praise from Mr. Deoras, who directly supervised her work, e.g., when he stated,
27 ‘Thanks, Zoya – thought this looked great’”.

RESPONSE TO REQUEST FOR PRODUCTION 87:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, retaliation, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 84–86, 88–90, 93–100. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland's definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in

the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to

1 this Request to the extent it seeks production of electronically stored information that is not in
 2 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 3 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 4 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 5 expense. Plaintiff further objects to this Request because it seeks production of electronically
 6 stored information, including seeking discovery of duplicative and/or cumulative electronically
 7 stored information, including without limitation to the extent this Request seeks "[a]ll"
 8 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 9 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
 10 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 11 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 12 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 13 stored information from sources that are not reasonably accessible because of undue burden or
 14 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 15 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 16 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 17 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
 18 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 19 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 20 to this Request to the extent it seeks production of electronically stored information in more than
 21 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
 22 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 23 objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 24 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 25 graphic material, however produced or reproduced and all other tangible objects, including, but
 26 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 27 specified means] or other means" "and all drafts and summaries thereof" "and any

DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects,

including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll

DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature because Plaintiff cannot provide a full response until after further discovery is conducted.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s

reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 88:

All DOCUMENTS that EVIDENCE the allegation in paragraph 151 of the COMPLAINT that “Plaintiff’s obligations on the ITC investigation, District-Court cases, and patent-assertion analysis far exceed the amount of work that Mr. Walter or Mr. Blake were asked to complete during the same timeframe. For example, during May to July 2021, based on Plaintiff’s knowledge, Mr. Walter only worked on two of these District-Court Cases, which was substantially less than Plaintiff’s workload as noted above, and a substantial amount of work that should have been performed on these District-Court Cases had not been performed, as confirmed by Plaintiff when she emailed the team to ask some basic questions after she was added to the District-Court Cases.”

RESPONSE TO REQUEST FOR PRODUCTION 88:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding discrimination, retaliation, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 84–87, 89–90, 93–100. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly

1 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 2 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 3 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 4 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 5 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 6 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 7 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 8 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

9 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 10 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 11 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 12 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 13 production of electronically stored information, to the extent this Request seeks “[a]ll”
 14 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 15 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 16 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 17 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 18 objects to this Request to the extent it seeks production of electronically stored information
 19 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 20 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 22 it seeks production of electronically stored information that is unreasonably cumulative or
 23 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 24 seeks production of electronically stored information that is or can be obtained from some other
 25 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 26 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 27 production of electronically stored information that exceeds the scope of discovery permitted by
 28

1 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
2 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
3 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
4 considering the importance of the issues at stake in the action, the amount in controversy, the
5 parties' relative access to relevant information, including Kirkland's access to relevant
6 information because relevant information sought is or should be in Kirkland's possession,
7 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
8 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
9 the at most de minimis importance of cumulative and duplicative discovery requested ad
10 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
11 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
12 this Request to the extent it seeks production of electronically stored information that is not in
13 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
14 defendants' possession, custody, or control; and/or that is or should be available to Defendant
15 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
16 expense. Plaintiff further objects to this Request because it seeks production of electronically
17 stored information, including seeking discovery of duplicative and/or cumulative electronically
18 stored information, including without limitation to the extent this Request seeks "[a]ll"
19 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
20 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
21 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
22 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
23 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
24 stored information from sources that are not reasonably accessible because of undue burden or
25 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
26 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
27 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the

1 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
2 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
3 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
4 to this Request to the extent it seeks production of electronically stored information in more than
5 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
6 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
7 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
8 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
9 graphic material, however produced or reproduced and all other tangible objects, including, but
10 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
11 specified means] or other means” “and all drafts and summaries thereof” “and any
12 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
13 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
14 produced” where “a document was prepared and several copies were made or if additional
15 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
16 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
17 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
18 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
19 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
21 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
22 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
23 including because the sought discovery is should be in Kirkland’s or its co-defendants’
24 possession, custody, or control, the importance of the discovery sought from Plaintiff in
25 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
26 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
27 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs

1 of the case, and a seeking discovery outside the scope of discovery permitted or required under
2 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
3 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
4 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
5 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
6 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
7 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
8 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
9 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
10 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
11 recorded or graphic material, however produced or reproduced and all other tangible objects,
12 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
13 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
14 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
15 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
16 produced” where “a document was prepared and several copies were made or if additional
17 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
18 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
19 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
20 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
21 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
22 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
23 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
24 and government and government agency of every nature or type”; and/or to the extent this
25 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
26 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
27 envelopes, explanatory notes or memoranda, and any other material that accompanied the

1 document(s)” and “[i]f the specific document elicited a response, that response is also to be
2 identified and produced” and “[i]f the document was itself a response, the document to which it
3 responded is also to be identified and produced.”

4 Plaintiff intends to produce electronically stored information in a reasonably usable form.

5 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
6 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
7 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
8 possession, custody, or control; and/or that is or should be available to Defendant and more
9 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

10 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
11 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
12 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
13 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
14 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
15 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
17 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
18 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
19 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
20 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
21 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
22 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
23 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
24 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

25 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
26 full response until after further discovery is conducted.

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
9 appropriate and, as discovery proceeds, will produce, before the close of discovery in
10 accordance with any scheduling order that the Court will issue in this case, responsive and
11 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
12 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
13 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
14 meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 89:**

16 All DOCUMENTS that EVIDENCE the allegations in paragraph 152 of the
17 COMPLAINT that "Mr. Fahey routinely gave Plaintiff assignment instructions that were poor,
18 misleading, and/or contradictory, the degree of which increased following Plaintiff's April 2021
19 complaint. Due to Mr. Fahey's poor instructions, on multiple occasions unnecessary time was
20 spent on assignments because Mr. Fahey would provide input directly contradicting his prior
21 instructions. For example, on the ITC Investigation in late June 2021, Mr. Fahey tasked Plaintiff
22 with completely unnecessary revisions when he asked Plaintiff to draft correspondence to
23 opposing counsel regarding discovery deficiencies. Plaintiff expressly followed Mr. Fahey's
24 emailed instructions and sent him the draft correspondence. Importantly, Plaintiff's first draft
25 was almost identical to the fourth, final draft, which was sent to opposing counsel. However, Mr.
26 Fahey made or requested Plaintiff to make major revisions to the first draft, rendering the
27 second draft markedly different from the first draft (and the fourth, final draft sent to opposing
28

counsel). These revisions were at odds with Mr. Fahey’s original instructions to Plaintiff. As a result, the drafts underwent numerous, unnecessary rounds of edits, which was not only an unethical waste of client money but also forced Plaintiff unnecessarily to lose time that could have been spent on her other myriad assignments that Defendants were heaping on Plaintiff. After all of this unnecessary back and forth, Mr. Fahey privately emailed Plaintiff, forwarding the sent correspondence, to say ‘FYI, nice work on this’.”

RESPONSE TO REQUEST FOR PRODUCTION 89:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff’s work and experience at trial with Defendants, discrimination, retaliation, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 84–88, 90, 93–100. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on

Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant

information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.

R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).

1 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
2 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
3 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
4 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
5 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
6 recorded or graphic material, however produced or reproduced and all other tangible objects,
7 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
8 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
9 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
10 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
11 produced” where “a document was prepared and several copies were made or if additional
12 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
13 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
14 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
15 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
16 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
17 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
18 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
19 and government and government agency of every nature or type”; and/or to the extent this
20 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
21 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
22 envelopes, explanatory notes or memoranda, and any other material that accompanied the
23 document(s)” and “[i]f the specific document elicited a response, that response is also to be
24 identified and produced” and “[i]f the document was itself a response, the document to which it
25 responded is also to be identified and produced.”

26 Plaintiff intends to produce electronically stored information in a reasonably usable form.
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1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
3 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
4 possession, custody, or control; and/or that is or should be available to Defendant and more
5 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
8 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
9 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
10 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
11 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
12 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
13 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
14 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
16 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
17 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
18 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
19 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
20 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
22 full response until after further discovery is conducted.

23 Subject to and without waiver of these objections and Plaintiff's General Objections,
24 Plaintiff responds as follows:

25 The Court has not yet entered a scheduling order in this case; the Court has not set a date
26 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
27 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,

1 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
2 Request as this action and discovery proceed. Subject to the foregoing objections and to the
3 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
4 appropriate and, as discovery proceeds, will produce, before the close of discovery in
5 accordance with any scheduling order that the Court will issue in this case, responsive and
6 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
7 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
8 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
9 meet and confer regarding the scope of this Request.

10 **REQUEST FOR PRODUCTION NO. 90:**

11 All DOCUMENTS that EVIDENCE the allegations in paragraphs 154-56 of the
12 COMPLAINT regarding "Mr. Walter's poor deposition scheduling".

13 **RESPONSE TO REQUEST FOR PRODUCTION 90:**

14 In addition to the foregoing General Objections, each of which is specifically
15 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
16 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
17 calculated to lead to the discovery of admissible evidence and that is not proportional to the
18 needs of this case, and as seeking discovery outside the permissible scope under the Federal
19 Rules and/or other applicable law.

20 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
21 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
22 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
23 duplicative of discovery sought in other Requests, including Requests regarding discrimination,
24 retaliation, sex-based harassment constituting a hostile work environment, and defamation,
25 including Request Nos. 84–89, 93–100. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
26 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
27 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,

1 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 2 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 3 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 4 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 5 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 6 incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ.
 7 P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 8 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

9 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 10 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 11 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 12 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 13 production of electronically stored information, to the extent this Request seeks “[a]ll”
 14 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 15 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 16 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 17 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 18 objects to this Request to the extent it seeks production of electronically stored information
 19 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 20 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 22 it seeks production of electronically stored information that is unreasonably cumulative or
 23 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 24 seeks production of electronically stored information that is or can be obtained from some other
 25 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 26 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 27 production of electronically stored information that exceeds the scope of discovery permitted by
 28

1 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
2 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
3 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
4 considering the importance of the issues at stake in the action, the amount in controversy, the
5 parties' relative access to relevant information, including Kirkland's access to relevant
6 information because relevant information sought is or should be in Kirkland's possession,
7 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
8 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
9 the at most de minimis importance of cumulative and duplicative discovery requested ad
10 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
11 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
12 this Request to the extent it seeks production of electronically stored information that is not in
13 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
14 defendants' possession, custody, or control; and/or that is or should be available to Defendant
15 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
16 expense. Plaintiff further objects to this Request because it seeks production of electronically
17 stored information, including seeking discovery of duplicative and/or cumulative electronically
18 stored information, including without limitation to the extent this Request seeks "[a]ll"
19 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
20 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
21 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
22 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
23 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
24 stored information from sources that are not reasonably accessible because of undue burden or
25 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
26 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
27 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the

1 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
2 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
3 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
4 to this Request to the extent it seeks production of electronically stored information in more than
5 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
6 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
7 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
8 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
9 graphic material, however produced or reproduced and all other tangible objects, including, but
10 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
11 specified means] or other means” “and all drafts and summaries thereof” “and any
12 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
13 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
14 produced” where “a document was prepared and several copies were made or if additional
15 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
16 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
17 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
18 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
19 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
21 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
22 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
23 including because the sought discovery is should be in Kirkland’s or its co-defendants’
24 possession, custody, or control, the importance of the discovery sought from Plaintiff in
25 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
26 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
27 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs

1 of the case, and a seeking discovery outside the scope of discovery permitted or required under
2 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
3 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
4 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
5 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
6 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
7 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
8 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
9 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
10 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
11 recorded or graphic material, however produced or reproduced and all other tangible objects,
12 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
13 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
14 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
15 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
16 produced” where “a document was prepared and several copies were made or if additional
17 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
18 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
19 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
20 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
21 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
22 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
23 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
24 and government and government agency of every nature or type”; and/or to the extent this
25 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
26 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
27 envelopes, explanatory notes or memoranda, and any other material that accompanied the

1 document(s)” and “[i]f the specific document elicited a response, that response is also to be
2 identified and produced” and “[i]f the document was itself a response, the document to which it
3 responded is also to be identified and produced.”

4 Plaintiff intends to produce electronically stored information in a reasonably usable form.

5 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
6 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
7 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
8 possession, custody, or control; and/or that is or should be available to Defendant and more
9 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

10 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
11 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
12 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
13 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
14 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
15 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
17 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
18 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
19 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
20 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
21 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
22 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
23 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
24 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

25 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
26 full response until after further discovery is conducted.

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
9 appropriate and, as discovery proceeds, will produce, before the close of discovery in
10 accordance with any scheduling order that the Court will issue in this case, responsive and
11 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
12 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
13 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
14 meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 91:**

16 All DOCUMENTS that EVIDENCE the allegation in paragraph 157 of the
17 COMPLAINT that "Plaintiff competently and timely scheduled proposed depositions and
18 competently spoke with third parties, including to schedule depositions and to persuade the third
19 parties to comply with subpoenas and to otherwise coordinate and advance production of third-
20 party discovery, with minimal oversight by Mr. Deoras and Mr. Fahey on the ITC Investigation.
21 In fact, Plaintiff's unsupervised communications with persons outside the Firm resulted in the
22 client obtaining its requested discovery that had been withheld on various grounds, including
23 alleged lack of good cause to produce e-mails, compliance with prior-litigation protective order,
24 and lack of control over requested documents".

25 **RESPONSE TO REQUEST FOR PRODUCTION 91:**

26 In addition to the foregoing General Objections, each of which is specifically
27 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
28

unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, retaliation, sex-based harassment constituting a hostile work environment, and defamation. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE" and incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.

26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production

1 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
2 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
3 defendants' possession, custody, or control; and/or are or should be available to Defendant and
4 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
5 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
6 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
7 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
8 including because the sought discovery is should be in Kirkland's or its co-defendants'
9 possession, custody, or control, the importance of the discovery sought from Plaintiff in
10 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
11 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
12 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
13 of the case, and a seeking discovery outside the scope of discovery permitted or required under
14 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
15 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
16 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
18 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
19 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
20 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
21 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
22 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
23 recorded or graphic material, however produced or reproduced and all other tangible objects,
24 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
25 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
26 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
27 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
3 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
4 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
5 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
6 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
7 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
8 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
9 and government and government agency of every nature or type”; and/or to the extent this
10 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
11 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
12 envelopes, explanatory notes or memoranda, and any other material that accompanied the
13 document(s)” and “[i]f the specific document elicited a response, that response is also to be
14 identified and produced” and “[i]f the document was itself a response, the document to which it
15 responded is also to be identified and produced.”

16 Plaintiff intends to produce electronically stored information in a reasonably usable form.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
19 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
20 possession, custody, or control; and/or that is or should be available to Defendant and more
21 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
24 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
25 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
26 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
27 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature because Plaintiff cannot provide a full response until after further discovery is conducted.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 92:

1 All DOCUMENTS that EVIDENCE the allegation in paragraph 157 of the
 2 COMPLAINT that “the outside counsel told Plaintiff that he had been told that a female (i.e.,
 3 Plaintiff) must have tried very hard to get this discovery because the company historically did
 4 not produce similar information in response to subpoenas.”

5 **RESPONSE TO REQUEST FOR PRODUCTION 92:**

6 In addition to the foregoing General Objections, each of which is specifically
 7 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 8 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
 9 calculated to lead to the discovery of admissible evidence and that is not proportional to the
 10 needs of this case, and as seeking discovery outside the permissible scope under the Federal
 11 Rules and/or other applicable law.

12 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 13 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 14 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 15 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff’s work
 16 and experience at trial with Defendants, discrimination, retaliation, sex-based harassment
 17 constituting a hostile work environment, and defamation. *See, e.g.,* Fed. R. Civ. P.
 18 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ.
 19 P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly
 20 broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
 21 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
 22 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
 23 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
 24 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
 25 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ.
 26 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R.
 27 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
3 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
4 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
5 production of electronically stored information, to the extent this Request seeks “[a]ll”
6 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
7 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
8 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
9 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
10 objects to this Request to the extent it seeks production of electronically stored information
11 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
12 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
14 it seeks production of electronically stored information that is unreasonably cumulative or
15 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
16 seeks production of electronically stored information that is or can be obtained from some other
17 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
18 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
19 production of electronically stored information that exceeds the scope of discovery permitted by
20 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
21 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
22 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
23 considering the importance of the issues at stake in the action, the amount in controversy, the
24 parties’ relative access to relevant information, including Kirkland’s access to relevant
25 information because relevant information sought is or should be in Kirkland’s possession,
26 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
27 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
2 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
3 recorded or graphic material, however produced or reproduced and all other tangible objects,
4 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
5 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
6 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
7 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
10 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
11 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
12 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
13 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
14 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
15 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
16 and government and government agency of every nature or type”; and/or to the extent this
17 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
18 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
19 envelopes, explanatory notes or memoranda, and any other material that accompanied the
20 document(s)” and “[i]f the specific document elicited a response, that response is also to be
21 identified and produced” and “[i]f the document was itself a response, the document to which it
22 responded is also to be identified and produced.”

23 Plaintiff intends to produce electronically stored information in a reasonably usable form.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
26 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
27

1 possession, custody, or control; and/or that is or should be available to Defendant and more
2 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
15 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
16 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
17 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
19 full response until after further discovery is conducted.

20 Subject to and without waiver of these objections and Plaintiff’s General Objections,
21 Plaintiff responds as follows:

22 The Court has not yet entered a scheduling order in this case; the Court has not set a date
23 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
24 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
25 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
26 Request as this action and discovery proceed. Subject to the foregoing objections and to the
27 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
28

appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 93:

All DOCUMENTS that EVIDENCE the allegations in paragraph 159 of the COMPLAINT that "Ms. Barath offloaded Mr. Huehns' and Mr. Walter's work on the District-Court Cases on Plaintiff, despite Plaintiff's workload already being disproportionately heavier than the workloads of said male associates"; and that "these offloading attempts continued notwithstanding Plaintiff repeatedly telling Ms. Barath that Plaintiff had no bandwidth for additional work and had to prioritize assignments on bigger cases with competing deadlines".

RESPONSE TO REQUEST FOR PRODUCTION 93:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding discrimination, retaliation, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 84–90 and 94–100. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed.

R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks

1 production of electronically stored information that exceeds the scope of discovery permitted by
2 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
3 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
4 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
5 considering the importance of the issues at stake in the action, the amount in controversy, the
6 parties' relative access to relevant information, including Kirkland's access to relevant
7 information because relevant information sought is or should be in Kirkland's possession,
8 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
9 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
10 the at most de minimis importance of cumulative and duplicative discovery requested ad
11 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
12 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
13 this Request to the extent it seeks production of electronically stored information that is not in
14 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
15 defendants' possession, custody, or control; and/or that is or should be available to Defendant
16 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff further objects to this Request because it seeks production of electronically
18 stored information, including seeking discovery of duplicative and/or cumulative electronically
19 stored information, including without limitation to the extent this Request seeks "[a]ll"
20 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
21 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
22 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
23 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
24 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
25 stored information from sources that are not reasonably accessible because of undue burden or
26 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
27 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"

1 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
2 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
3 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
4 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
5 to this Request to the extent it seeks production of electronically stored information in more than
6 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
7 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
8 objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
9 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
10 graphic material, however produced or reproduced and all other tangible objects, including, but
11 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
12 specified means] or other means" "and all drafts and summaries thereof" "and any
13 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
14 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
15 produced" where "a document was prepared and several copies were made or if additional
16 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
17 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
18 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or are or should be available to Defendant and
20 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
22 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
23 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
24 including because the sought discovery is should be in Kirkland's or its co-defendants'
25 possession, custody, or control, the importance of the discovery sought from Plaintiff in
26 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
27 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,

1 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
2 of the case, and a seeking discovery outside the scope of discovery permitted or required under
3 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
4 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
5 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
6 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
7 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
8 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
9 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
11 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
12 recorded or graphic material, however produced or reproduced and all other tangible objects,
13 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
14 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
15 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
16 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
19 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
20 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
21 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
22 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
23 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
24 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
25 and government and government agency of every nature or type”; and/or to the extent this
26 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
27 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all

1 envelopes, explanatory notes or memoranda, and any other material that accompanied the
2 document(s)” and “[i]f the specific document elicited a response, that response is also to be
3 identified and produced” and “[i]f the document was itself a response, the document to which it
4 responded is also to be identified and produced.”

5 Plaintiff intends to produce electronically stored information in a reasonably usable form.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
8 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
9 possession, custody, or control; and/or that is or should be available to Defendant and more
10 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
12 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
13 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
14 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
15 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
16 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
18 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
19 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
20 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
21 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
22 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
23 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
24 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
25 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

26 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
27 full response until after further discovery is conducted.

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
9 appropriate and, as discovery proceeds, will produce, before the close of discovery in
10 accordance with any scheduling order that the Court will issue in this case, responsive and
11 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
12 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
13 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
14 meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 94:**

16 All DOCUMENTS that EVIDENCE the allegations in paragraph 160 of the
17 COMPLAINT that "[t]he partners, with repeated, advance notice of Plaintiff's scheduled
18 vacation, dumped an inordinate amount of work on Plaintiff to ensure (successfully) that she
19 would work during her entire vacation"; that "Plaintiff received a rude email from Ms. Barath
20 about Plaintiff being offline"; and that "Mr. Deoras tried to schedule a deposition for Plaintiff
21 on July 5, 2021, which was, again, a federal holiday and part of Plaintiff's scheduled vacation. It
22 was not until Plaintiff informed him that it would be impractical to have a deposition that day
23 due to the federal holiday that he changed the date."

24 **RESPONSE TO REQUEST FOR PRODUCTION 94:**

25 In addition to the foregoing General Objections, each of which is specifically
26 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
27 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
28

1 calculated to lead to the discovery of admissible evidence and that is not proportional to the
 2 needs of this case, and as seeking discovery outside the permissible scope under the Federal
 3 Rules and/or other applicable law.

4 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 5 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 6 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 7 duplicative of discovery sought in other Requests, including Requests regarding discrimination,
 8 retaliation, sex-based harassment constituting a hostile work environment, and defamation,
 9 including Request Nos. 84–90, 93, and 95–100. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
 10 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 11 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 12 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 13 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 14 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 15 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 16 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 17 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 18 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
 19 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

20 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 21 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 22 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 23 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 24 production of electronically stored information, to the extent this Request seeks “[a]ll”
 25 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 26 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 27 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.

26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically

1 stored information, including seeking discovery of duplicative and/or cumulative electronically
2 stored information, including without limitation to the extent this Request seeks “[a]ll”
3 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
4 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
5 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
6 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
7 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
8 stored information from sources that are not reasonably accessible because of undue burden or
9 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
10 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
11 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
12 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
13 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
14 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
15 to this Request to the extent it seeks production of electronically stored information in more than
16 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
17 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
18 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
19 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
20 graphic material, however produced or reproduced and all other tangible objects, including, but
21 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
22 specified means] or other means” “and all drafts and summaries thereof” “and any
23 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
24 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
25 produced” where “a document was prepared and several copies were made or if additional
26 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
27 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they

1 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
2 defendants' possession, custody, or control; and/or are or should be available to Defendant and
3 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
4 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
5 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
6 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
7 including because the sought discovery is should be in Kirkland's or its co-defendants'
8 possession, custody, or control, the importance of the discovery sought from Plaintiff in
9 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
10 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
11 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
12 of the case, and a seeking discovery outside the scope of discovery permitted or required under
13 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
14 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
15 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
17 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
18 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
19 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
20 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
21 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
22 recorded or graphic material, however produced or reproduced and all other tangible objects,
23 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
24 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
25 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
26 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
27 produced" where "a document was prepared and several copies were made or if additional

1 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
2 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
3 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
4 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
5 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
6 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
7 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
8 and government and government agency of every nature or type”; and/or to the extent this
9 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
10 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
11 envelopes, explanatory notes or memoranda, and any other material that accompanied the
12 document(s)” and “[i]f the specific document elicited a response, that response is also to be
13 identified and produced” and “[i]f the document was itself a response, the document to which it
14 responded is also to be identified and produced.”

15 Plaintiff intends to produce electronically stored information in a reasonably usable form.

16 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
17 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
18 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
19 possession, custody, or control; and/or that is or should be available to Defendant and more
20 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

21 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
22 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
23 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
24 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
25 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
26 Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
27 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

1 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
2 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
4 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
5 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
6 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
7 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
8 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

9 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
10 full response until after further discovery is conducted.

11 Subject to and without waiver of these objections and Plaintiff’s General Objections,
12 Plaintiff responds as follows:

13 The Court has not yet entered a scheduling order in this case; the Court has not set a date
14 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
15 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
16 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
17 Request as this action and discovery proceed. Subject to the foregoing objections and to the
18 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
19 appropriate and, as discovery proceeds, will produce, before the close of discovery in
20 accordance with any scheduling order that the Court will issue in this case, responsive and
21 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
22 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
23 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
24 meet and confer regarding the scope of this Request.

25 **REQUEST FOR PRODUCTION NO. 95:**

26 All DOCUMENTS that EVIDENCE the allegations in paragraph 162 of the
27 COMPLAINT that “By July 2021, Plaintiff had been subjected to multiple months of a constant

1 barrage of work, which constituted a disproportionately heavier workload than that of male
2 comparator associates. Around early July 2021, in a Skype message to Plaintiff, Mr. Blake
3 expressed shock at Plaintiff's inordinately large workload, saying he had thought he had an
4 insufferable workload until he heard what Defendants had assigned to Plaintiff. Mr. Blake had
5 previously told Plaintiff at trial in April 2021 that he and another comparator male IP litigation
6 associate (Mr. Calhoun) always billed the most hours out of all IP litigation associates and that
7 Mr. Alper and Mr. De Vries eagerly awaited the regularly-scheduled distribution of reports on
8 associates' hours, demonstrating that they had knowledge of Plaintiff's disproportionate
9 workload"; and that "Plaintiff's disproportionately heavy workload was confirmed through
10 Plaintiff's communications with comparator associates Mr. Walter and Mr. Huehns".

11 **RESPONSE TO REQUEST FOR PRODUCTION 95:**

12 In addition to the foregoing General Objections, each of which is specifically
13 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
14 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
15 calculated to lead to the discovery of admissible evidence and that is not proportional to the
16 needs of this case, and as seeking discovery outside the permissible scope under the Federal
17 Rules and/or other applicable law.

18 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
19 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
20 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
21 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work
22 and experience at trial with Defendants, discrimination, retaliation, sex-based harassment
23 constituting a hostile work environment, and defamation, including Request Nos. 84–90, 93–94,
24 and 96–100. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1);
25 Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
26 further objects to this Request as overly broad, unduly burdensome, and oppressive and as
27 seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

1 and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to
 2 the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
 3 DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or
 4 relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates
 5 or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1);
 6 Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 7 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

8 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 9 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 10 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 11 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 12 production of electronically stored information, to the extent this Request seeks “[a]ll”
 13 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 14 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 15 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 16 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 17 objects to this Request to the extent it seeks production of electronically stored information
 18 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 19 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 21 it seeks production of electronically stored information that is unreasonably cumulative or
 22 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 23 seeks production of electronically stored information that is or can be obtained from some other
 24 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 25 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 26 production of electronically stored information that exceeds the scope of discovery permitted by
 27 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 28

1 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
2 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
3 considering the importance of the issues at stake in the action, the amount in controversy, the
4 parties' relative access to relevant information, including Kirkland's access to relevant
5 information because relevant information sought is or should be in Kirkland's possession,
6 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
7 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
8 the at most de minimis importance of cumulative and duplicative discovery requested ad
9 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
10 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
11 this Request to the extent it seeks production of electronically stored information that is not in
12 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
13 defendants' possession, custody, or control; and/or that is or should be available to Defendant
14 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
15 expense. Plaintiff further objects to this Request because it seeks production of electronically
16 stored information, including seeking discovery of duplicative and/or cumulative electronically
17 stored information, including without limitation to the extent this Request seeks "[a]ll"
18 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
19 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
20 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
21 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
22 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
23 stored information from sources that are not reasonably accessible because of undue burden or
24 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
25 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
26 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
27 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are

not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under

1 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
2 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
3 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
4 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
5 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
6 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
7 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
8 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
9 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
10 recorded or graphic material, however produced or reproduced and all other tangible objects,
11 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
12 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
13 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
14 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
15 produced” where “a document was prepared and several copies were made or if additional
16 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
17 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
18 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
19 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
20 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
21 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
22 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
23 and government and government agency of every nature or type”; and/or to the extent this
24 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
25 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
26 envelopes, explanatory notes or memoranda, and any other material that accompanied the
27 document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
11 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
12 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
13 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
16 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
19 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
20 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
21 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
22 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
23 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
25 full response until after further discovery is conducted.

26 Subject to and without waiver of these objections and Plaintiff’s General Objections,
27 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
7 appropriate and, as discovery proceeds, will produce, before the close of discovery in
8 accordance with any scheduling order that the Court will issue in this case, responsive and
9 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
10 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
11 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
12 meet and confer regarding the scope of this Request.

13 **REQUEST FOR PRODUCTION NO. 96:**

14 All DOCUMENTS that EVIDENCE the allegations in paragraphs 163-73 of the
15 COMPLAINT that "[a]n exemplar of Defendant's discriminatory and retaliatory undermining of
16 Plaintiff was their reassigning to Plaintiff on short notice in the ITC Investigation the expert
17 report on patent invalidity".

18 **RESPONSE TO REQUEST FOR PRODUCTION 96:**

19 In addition to the foregoing General Objections, each of which is specifically
20 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
21 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
22 calculated to lead to the discovery of admissible evidence and that is not proportional to the
23 needs of this case, and as seeking discovery outside the permissible scope under the Federal
24 Rules and/or other applicable law.

25 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
26 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
27 and/or other applicable law to the extent this Request seeks discovery that is cumulative or

1 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work
 2 and experience at trial with Defendants, discrimination, retaliation, sex-based harassment
 3 constituting a hostile work environment, and defamation, including Request Nos. 84–90, 94–95,
 4 and 97–100. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1);
 5 Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
 6 further objects to this Request as overly broad, unduly burdensome, and oppressive and as
 7 seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 8 and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to
 9 the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
 10 DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or
 11 relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates
 12 or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1);
 13 Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 14 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

15 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 16 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 17 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 18 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 19 production of electronically stored information, to the extent this Request seeks “[a]ll”
 20 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 21 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 22 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 23 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 24 objects to this Request to the extent it seeks production of electronically stored information
 25 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 26 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 27 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent

1 it seeks production of electronically stored information that is unreasonably cumulative or
2 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
3 seeks production of electronically stored information that is or can be obtained from some other
4 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
5 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
6 production of electronically stored information that exceeds the scope of discovery permitted by
7 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
8 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
9 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
10 considering the importance of the issues at stake in the action, the amount in controversy, the
11 parties' relative access to relevant information, including Kirkland's access to relevant
12 information because relevant information sought is or should be in Kirkland's possession,
13 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
14 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
15 the at most de minimis importance of cumulative and duplicative discovery requested ad
16 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
17 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
18 this Request to the extent it seeks production of electronically stored information that is not in
19 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
20 defendants' possession, custody, or control; and/or that is or should be available to Defendant
21 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
22 expense. Plaintiff further objects to this Request because it seeks production of electronically
23 stored information, including seeking discovery of duplicative and/or cumulative electronically
24 stored information, including without limitation to the extent this Request seeks "[a]ll"
25 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
26 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
27 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.

26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources

1 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
2 including because the sought discovery is should be in Kirkland’s or its co-defendants’
3 possession, custody, or control, the importance of the discovery sought from Plaintiff in
4 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
5 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
6 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
7 of the case, and a seeking discovery outside the scope of discovery permitted or required under
8 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
9 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
10 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
12 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
13 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
14 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
16 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
17 recorded or graphic material, however produced or reproduced and all other tangible objects,
18 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
19 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
20 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
21 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
22 produced” where “a document was prepared and several copies were made or if additional
23 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
24 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
25 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
26 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
27 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her

1 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
2 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
3 and government and government agency of every nature or type”; and/or to the extent this
4 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
5 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
6 envelopes, explanatory notes or memoranda, and any other material that accompanied the
7 document(s)” and “[i]f the specific document elicited a response, that response is also to be
8 identified and produced” and “[i]f the document was itself a response, the document to which it
9 responded is also to be identified and produced.”

10 Plaintiff intends to produce electronically stored information in a reasonably usable form.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
12 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
13 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
14 possession, custody, or control; and/or that is or should be available to Defendant and more
15 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

16 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
17 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
18 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
19 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
20 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
21 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
22 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
23 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
24 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
25 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
26 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
27 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks

discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature because Plaintiff cannot provide a full response until after further discovery is conducted.

Subject to and without waiver of these objections and Plaintiff's General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 97:

All DOCUMENTS that EVIDENCE the allegation in paragraph 175 of the COMPLAINT that "Plaintiff had to work during her entire planned vacation, in part because Plaintiff had been forced to assume responsibility for work on the District-Court Cases to allow male associates (including Mr. Huehns and Mr. Walter) to go on vacation and/or bill less. Moreover, due to the totality of Defendants' unlawful conduct, including but not limited to burdening Plaintiff with a disproportionate workload and attempting to sabotage Plaintiff,

1 Plaintiff did not have an opportunity to start preparing for her scheduled July 23, 2021
2 deposition that she would lead until the evening prior to this deposition.”

3 **RESPONSE TO REQUEST FOR PRODUCTION 97:**

4 In addition to the foregoing General Objections, each of which is specifically
5 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
6 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
7 calculated to lead to the discovery of admissible evidence and that is not proportional to the
8 needs of this case, and as seeking discovery outside the permissible scope under the Federal
9 Rules and/or other applicable law.

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
11 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
12 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
13 duplicative of discovery sought in other Requests, including Requests regarding discrimination,
14 retaliation, sex-based harassment constituting a hostile work environment, and defamation,
15 including Request Nos. 84–90, 94–96, and 98–100. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i);
16 *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P.
17 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly
18 broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
19 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
20 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
21 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
22 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
23 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.
24 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R.
25 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

26 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
27 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

1 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
2 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
3 production of electronically stored information, to the extent this Request seeks “[a]ll”
4 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
5 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
6 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
7 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
8 objects to this Request to the extent it seeks production of electronically stored information
9 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
10 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
12 it seeks production of electronically stored information that is unreasonably cumulative or
13 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
14 seeks production of electronically stored information that is or can be obtained from some other
15 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
16 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
17 production of electronically stored information that exceeds the scope of discovery permitted by
18 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
19 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
20 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
21 considering the importance of the issues at stake in the action, the amount in controversy, the
22 parties’ relative access to relevant information, including Kirkland’s access to relevant
23 information because relevant information sought is or should be in Kirkland’s possession,
24 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
25 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
26 the at most de minimis importance of cumulative and duplicative discovery requested ad
27 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its

likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six

specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,

1 recorded or graphic material, however produced or reproduced and all other tangible objects,
2 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
3 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
4 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
5 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
8 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
9 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
10 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
11 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
12 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
13 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
14 and government and government agency of every nature or type”; and/or to the extent this
15 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
16 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
17 envelopes, explanatory notes or memoranda, and any other material that accompanied the
18 document(s)” and “[i]f the specific document elicited a response, that response is also to be
19 identified and produced” and “[i]f the document was itself a response, the document to which it
20 responded is also to be identified and produced.”

21 Plaintiff intends to produce electronically stored information in a reasonably usable form.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
24 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
25 possession, custody, or control; and/or that is or should be available to Defendant and more
26 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
3 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
4 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
5 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
6 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
7 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
8 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
9 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
11 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
12 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
13 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
14 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
15 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

16 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
17 full response until after further discovery is conducted.

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed. Subject to the foregoing objections and to the
25 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
26 appropriate and, as discovery proceeds, will produce, before the close of discovery in
27 accordance with any scheduling order that the Court will issue in this case, responsive and

relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 98:

All DOCUMENTS that EVIDENCE the allegation in paragraph 176 of the COMPLAINT that "Plaintiff was consistently forced to operate on well-below reasonable levels of sleep".

RESPONSE TO REQUEST FOR PRODUCTION 98:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, retaliation, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 84–90, 94–97, and 99–100. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll

DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,

1 considering the importance of the issues at stake in the action, the amount in controversy, the
2 parties' relative access to relevant information, including Kirkland's access to relevant
3 information because relevant information sought is or should be in Kirkland's possession,
4 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
5 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
6 the at most de minimis importance of cumulative and duplicative discovery requested ad
7 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
8 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
9 this Request to the extent it seeks production of electronically stored information that is not in
10 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
11 defendants' possession, custody, or control; and/or that is or should be available to Defendant
12 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
13 expense. Plaintiff further objects to this Request because it seeks production of electronically
14 stored information, including seeking discovery of duplicative and/or cumulative electronically
15 stored information, including without limitation to the extent this Request seeks "[a]ll"
16 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
17 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
18 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
19 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
20 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
21 stored information from sources that are not reasonably accessible because of undue burden or
22 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
23 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
24 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
25 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
26 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
27 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects

1 to this Request to the extent it seeks production of electronically stored information in more than
2 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
3 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
4 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
5 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
6 graphic material, however produced or reproduced and all other tangible objects, including, but
7 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
8 specified means] or other means” “and all drafts and summaries thereof” “and any
9 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
10 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
11 produced” where “a document was prepared and several copies were made or if additional
12 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
13 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
14 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
15 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
16 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
18 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
19 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
20 including because the sought discovery is should be in Kirkland’s or its co-defendants’
21 possession, custody, or control, the importance of the discovery sought from Plaintiff in
22 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
23 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
24 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
25 of the case, and a seeking discovery outside the scope of discovery permitted or required under
26 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
27 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require

1 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
3 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
4 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
5 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
7 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
8 recorded or graphic material, however produced or reproduced and all other tangible objects,
9 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
10 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
11 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
12 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
13 produced” where “a document was prepared and several copies were made or if additional
14 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
15 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
16 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
17 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
18 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
19 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
20 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
21 and government and government agency of every nature or type”; and/or to the extent this
22 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
23 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
24 envelopes, explanatory notes or memoranda, and any other material that accompanied the
25 document(s)” and “[i]f the specific document elicited a response, that response is also to be
26 identified and produced” and “[i]f the document was itself a response, the document to which it
27 responded is also to be identified and produced.”

1 Plaintiff intends to produce electronically stored information in a reasonably usable form.

2 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
3 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
4 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
5 possession, custody, or control; and/or that is or should be available to Defendant and more
6 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

7 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
8 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
9 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
10 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
11 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
12 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

14 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
15 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
16 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
17 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
18 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
19 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
20 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
21 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

22 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
23 full response until after further discovery is conducted.

24 Subject to and without waiver of these objections and Plaintiff's General Objections,
25 Plaintiff responds as follows:

26 The Court has not yet entered a scheduling order in this case; the Court has not set a date
27 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for

responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 99:

All DOCUMENTS that EVIDENCE the allegation in paragraph 177 of the COMPLAINT that "Immediately after Plaintiff took her deposition, as a driven associate, she called Mr. Deoras to get general input regarding the deposition but abstained from complaining again of Defendants' unlawful conduct given her fatigue. Mr. Deoras said the deposition went fine."

RESPONSE TO REQUEST FOR PRODUCTION 99:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work

and experience at trial with Defendants, discrimination, retaliation, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 84–90, 94–98, and 100. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or

1 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
2 seeks production of electronically stored information that is or can be obtained from some other
3 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
4 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
5 production of electronically stored information that exceeds the scope of discovery permitted by
6 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
7 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
8 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
9 considering the importance of the issues at stake in the action, the amount in controversy, the
10 parties' relative access to relevant information, including Kirkland's access to relevant
11 information because relevant information sought is or should be in Kirkland's possession,
12 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
13 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
14 the at most de minimis importance of cumulative and duplicative discovery requested ad
15 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
16 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
17 this Request to the extent it seeks production of electronically stored information that is not in
18 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or that is or should be available to Defendant
20 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff further objects to this Request because it seeks production of electronically
22 stored information, including seeking discovery of duplicative and/or cumulative electronically
23 stored information, including without limitation to the extent this Request seeks "[a]ll"
24 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
25 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
26 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
27 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.

34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,

including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent "YOU" and "YOUR" includes "any other PERSON representing" Plaintiff "or acting on her behalf," and/or to the extent "PERSON" means "any natural person, firm, entity, corporation,

1 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
2 and government and government agency of every nature or type”; and/or to the extent this
3 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
4 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
5 envelopes, explanatory notes or memoranda, and any other material that accompanied the
6 document(s)” and “[i]f the specific document elicited a response, that response is also to be
7 identified and produced” and “[i]f the document was itself a response, the document to which it
8 responded is also to be identified and produced.”

9 Plaintiff intends to produce electronically stored information in a reasonably usable form.

10 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
11 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
12 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
13 possession, custody, or control; and/or that is or should be available to Defendant and more
14 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

15 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
16 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
17 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
18 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
19 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
20 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
22 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
23 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
25 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
26 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
27 discovery not limited to the relevant time period regarding the facts at issue in this litigation.

1 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
2 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

3 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
4 full response until after further discovery is conducted.

5 Subject to and without waiver of these objections and Plaintiff’s General Objections,
6 Plaintiff responds as follows:

7 The Court has not yet entered a scheduling order in this case; the Court has not set a date
8 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
9 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
10 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
11 Request as this action and discovery proceed. Subject to the foregoing objections and to the
12 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
13 appropriate and, as discovery proceeds, will produce, before the close of discovery in
14 accordance with any scheduling order that the Court will issue in this case, responsive and
15 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s
16 possession, custody and control, are reasonably accessible, and are located from Plaintiff’s
17 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
18 meet and confer regarding the scope of this Request.

19 **REQUEST FOR PRODUCTION NO. 100:**

20 All DOCUMENTS that EVIDENCE the allegation in paragraph 178 of the
21 COMPLAINT that “Plaintiff decided she needed to report Defendants’ Unlawful Employment
22 Practices and felt the most readily available avenue was to speak again with Mr. Deoras. Given
23 Plaintiff’s established rapport with Mr. Deoras and his prior statements that Plaintiff should
24 reach out to him to talk to him about anything, Plaintiff reasonably reported again to Mr. Deoras.
25 Moreover, Plaintiff reasonably believed at the time that this approach, as opposed to Plaintiff
26 escalating her concerns to the chief HR officer, would reduce the risk of her becoming a pariah
27 at the Firm, especially given that she had been at the Firm for less than a year and Plaintiff had

1 been limited to only working on matters for Defendants Mr. Alper, Mr. De Vries, Mr. Deoras,
2 Ms. Schmidt, and Mr. Fahey.”

3 **RESPONSE TO REQUEST FOR PRODUCTION 100:**

4 In addition to the foregoing General Objections, each of which is specifically
5 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
6 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
7 calculated to lead to the discovery of admissible evidence and that is not proportional to the
8 needs of this case, and as seeking discovery outside the permissible scope under the Federal
9 Rules and/or other applicable law.

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
11 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
12 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
13 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff’s work
14 and experience at trial with Defendants, discrimination, retaliation, sex-based harassment
15 constituting a hostile work environment, and defamation, including Request Nos. 84–90 and 94–
16 99. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ.
17 P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further
18 objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking
19 discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other
20 applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this
21 Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that
22 EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s
23 definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on
24 Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ.
25 P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
26 Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
2 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
3 recorded or graphic material, however produced or reproduced and all other tangible objects,
4 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
5 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
6 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
7 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
10 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
11 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
12 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
13 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
14 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
15 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
16 and government and government agency of every nature or type”; and/or to the extent this
17 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
18 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
19 envelopes, explanatory notes or memoranda, and any other material that accompanied the
20 document(s)” and “[i]f the specific document elicited a response, that response is also to be
21 identified and produced” and “[i]f the document was itself a response, the document to which it
22 responded is also to be identified and produced.”

23 Plaintiff intends to produce electronically stored information in a reasonably usable form.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
26 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
27

1 possession, custody, or control; and/or that is or should be available to Defendant and more
2 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
15 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
16 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
17 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
19 full response until after further discovery is conducted.

20 Subject to and without waiver of these objections and Plaintiff’s General Objections,
21 Plaintiff responds as follows:

22 The Court has not yet entered a scheduling order in this case; the Court has not set a date
23 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
24 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
25 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
26 Request as this action and discovery proceed. Subject to the foregoing objections and to the
27 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
28

appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 101:

All DOCUMENTS that EVIDENCE the allegations in paragraph 180 of the COMPLAINT that "Plaintiff called Mr. Deoras and they spoke for 21 minutes"; that "Mr. Deoras played dumb, claiming that he was not aware that Plaintiff had been assigned a lot of work, despite being her immediate supervisor" that "Plaintiff raised concerns regarding being asked to take on work for male associates"; that "Plaintiff raised concerns about Defendants' unreasonably reassigning the entire Burden Expert Report with the lack of associate support that Plaintiff had received to date on the report"; and "that the unreasonable allocation of work was weighing on Plaintiff's ability to get reasonable amounts of rest".

RESPONSE TO REQUEST FOR PRODUCTION 101:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding discrimination, sex-based harassment constituting a hostile work environment, retaliation, and defamation. *See,*

1 *e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also*, *e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P.
 2 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects
 3 to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery
 4 outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable
 5 law because it seeks discovery that is cumulative and/or duplicative to the extent this Request
 6 seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE”
 7 statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of
 8 “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1.
 9 *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B);
 10 *see also*, *e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
 11 26(g)(1)(B)–(C).

12 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 13 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 14 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 15 the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to
 16 production of electronically stored information, to the extent this Request seeks “[a]ll”
 17 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 18 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 19 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 20 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also*, *e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 21 objects to this Request to the extent it seeks production of electronically stored information
 22 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 23 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 25 it seeks production of electronically stored information that is unreasonably cumulative or
 26 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 27 seeks production of electronically stored information that is or can be obtained from some other
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1 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
2 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
3 production of electronically stored information that exceeds the scope of discovery permitted by
4 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
5 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
6 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
7 considering the importance of the issues at stake in the action, the amount in controversy, the
8 parties' relative access to relevant information, including Kirkland's access to relevant
9 information because relevant information sought is or should be in Kirkland's possession,
10 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
11 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
12 the at most de minimis importance of cumulative and duplicative discovery requested ad
13 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
14 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
15 this Request to the extent it seeks production of electronically stored information that is not in
16 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
17 defendants' possession, custody, or control; and/or that is or should be available to Defendant
18 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
19 expense. Plaintiff further objects to this Request because it seeks production of electronically
20 stored information, including seeking discovery of duplicative and/or cumulative electronically
21 stored information, including without limitation to the extent this Request seeks "[a]ll"
22 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
23 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
24 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
25 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
26 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
27 stored information from sources that are not reasonably accessible because of undue burden or
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1 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
2 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
3 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
4 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
5 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
6 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
7 to this Request to the extent it seeks production of electronically stored information in more than
8 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
9 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
10 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
11 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
12 graphic material, however produced or reproduced and all other tangible objects, including, but
13 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
14 specified means] or other means” “and all drafts and summaries thereof” “and any
15 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
16 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
19 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
20 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
21 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
22 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
23 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
24 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
25 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
26 including because the sought discovery is should be in Kirkland’s or its co-defendants’
27 possession, custody, or control, the importance of the discovery sought from Plaintiff in

1 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
 2 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
 3 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
 4 of the case, and as seeking discovery outside the scope of discovery permitted or required under
 5 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
 6 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
 7 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
 8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
 9 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
 10 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
 11 and as seeking discovery outside the scope of discovery permitted under the Federal Rules of
 12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
 13 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
 14 recorded or graphic material, however produced or reproduced and all other tangible objects,
 15 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
 16 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
 17 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
 18 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
 19 produced” where “a document was prepared and several copies were made or if additional
 20 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
 21 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
 22 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
 23 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
 24 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
 25 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
 26 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
 27 and government and government agency of every nature or type”; and/or to the extent this
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Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
2 full response until after further discovery is conducted.

3 Subject to and without waiver of these objections and Plaintiff's General Objections,
4 Plaintiff responds as follows:

5 The Court has not yet entered a scheduling order in this case; the Court has not set a date
6 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
7 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
8 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
9 Request as this action and discovery proceed. Subject to the foregoing objections and to the
10 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
11 appropriate and, as discovery proceeds, will produce, before the close of discovery in
12 accordance with any scheduling order that the Court will issue in this case, responsive and
13 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
14 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
15 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
16 meet and confer regarding the scope of this Request.

17 **REQUEST FOR PRODUCTION NO. 102:**

18 All DOCUMENTS that EVIDENCE the allegation in paragraph 181 of the
19 COMPLAINT that "[a]fter Plaintiff's July 23, 2021 reporting, Defendants froze Plaintiff out of
20 work without explanation, which included precluding Plaintiff from working with other
21 interested partners at the Firm based on Mr. Deoras' illusory promise that more work would be
22 provided from him and his co-Defendants".

23 **RESPONSE TO REQUEST FOR PRODUCTION 102:**

24 In addition to the foregoing General Objections, each of which is specifically
25 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
26 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
27 calculated to lead to the discovery of admissible evidence and that is not proportional to the

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding discrimination, sex-based harassment constituting a hostile work environment, retaliation, and defamation. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff

objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically

1 stored information, including without limitation to the extent this Request seeks “[a]ll”
2 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
3 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
4 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
5 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
6 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
7 stored information from sources that are not reasonably accessible because of undue burden or
8 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
9 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
10 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
11 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
12 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
13 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
14 to this Request to the extent it seeks production of electronically stored information in more than
15 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
16 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
17 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
18 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
19 graphic material, however produced or reproduced and all other tangible objects, including, but
20 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
21 specified means] or other means” “and all drafts and summaries thereof” “and any
22 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
23 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
24 produced” where “a document was prepared and several copies were made or if additional
25 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
26 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
27 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-

defendants' possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing

description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and

oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature because Plaintiff cannot provide a full response until after further discovery is conducted.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 103:

All DOCUMENTS that EVIDENCE the allegations in paragraphs 183-86 of the COMPLAINT regarding Defendants alleged instructions to “draft a letter to the ALJ in the ITC investigation.”

RESPONSE TO REQUEST FOR PRODUCTION 103:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding discrimination, sex-based harassment constituting a hostile work environment, retaliation, and defamation. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to

1 production of electronically stored information, to the extent this Request seeks “[a]ll”
2 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
3 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
5 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
6 objects to this Request to the extent it seeks production of electronically stored information
7 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
8 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
10 it seeks production of electronically stored information that is unreasonably cumulative or
11 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
12 seeks production of electronically stored information that is or can be obtained from some other
13 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
14 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
15 production of electronically stored information that exceeds the scope of discovery permitted by
16 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
17 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
18 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
19 considering the importance of the issues at stake in the action, the amount in controversy, the
20 parties’ relative access to relevant information, including Kirkland’s access to relevant
21 information because relevant information sought is or should be in Kirkland’s possession,
22 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
23 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
24 the at most de minimis importance of cumulative and duplicative discovery requested ad
25 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
26 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
27 this Request to the extent it seeks production of electronically stored information that is not in

1 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
2 defendants' possession, custody, or control; and/or that is or should be available to Defendant
3 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
4 expense. Plaintiff further objects to this Request because it seeks production of electronically
5 stored information, including seeking discovery of duplicative and/or cumulative electronically
6 stored information, including without limitation to the extent this Request seeks "[a]ll"
7 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
8 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
9 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
10 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
11 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
12 stored information from sources that are not reasonably accessible because of undue burden or
13 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
14 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
15 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
16 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
17 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
18 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
19 to this Request to the extent it seeks production of electronically stored information in more than
20 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
21 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
22 objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
23 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
24 graphic material, however produced or reproduced and all other tangible objects, including, but
25 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
26 specified means] or other means" "and all drafts and summaries thereof" "and any
27 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule

1 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
2 produced” where “a document was prepared and several copies were made or if additional
3 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
4 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
5 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
6 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
7 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
8 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
9 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
10 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
11 including because the sought discovery is should be in Kirkland’s or its co-defendants’
12 possession, custody, or control, the importance of the discovery sought from Plaintiff in
13 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
14 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
15 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
16 of the case, and a seeking discovery outside the scope of discovery permitted or required under
17 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
18 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
19 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
21 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
22 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
23 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
25 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
26 recorded or graphic material, however produced or reproduced and all other tangible objects,
27 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether

1 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
2 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
3 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
4 produced” where “a document was prepared and several copies were made or if additional
5 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
6 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
7 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
8 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
9 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
10 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
11 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
12 and government and government agency of every nature or type”; and/or to the extent this
13 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
14 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
15 envelopes, explanatory notes or memoranda, and any other material that accompanied the
16 document(s)” and “[i]f the specific document elicited a response, that response is also to be
17 identified and produced” and “[i]f the document was itself a response, the document to which it
18 responded is also to be identified and produced.”

19 Plaintiff intends to produce electronically stored information in a reasonably usable form.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
21 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
22 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
23 possession, custody, or control; and/or that is or should be available to Defendant and more
24 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

25 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
26 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
27 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
28

Request seeks discovery that is neither relevant to any party's claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff's General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 104:

1 All DOCUMENTS that EVIDENCE the allegations in paragraph 188 of the
2 COMPLAINT that “At Mr. Deoras’ request, Plaintiff prepared an argument outline for a patent
3 owner response (‘POR’) in an instituted IPR proceeding in which Mr. Huehns had drafted the
4 deficient POPR. Specifically, on September 7, 2021, three weeks before Plaintiff’s surprise hit-
5 job firing, Mr. Deoras sent Plaintiff a Skype message, asking her ‘to put together ideas for POR
6 strategy’ for this instituted IPR proceeding because ‘that would be helpful.’”

7 **RESPONSE TO REQUEST FOR PRODUCTION 104:**

8 In addition to the foregoing General Objections, each of which is specifically
9 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
10 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
11 calculated to lead to the discovery of admissible evidence and that is not proportional to the
12 needs of this case, and as seeking discovery outside the permissible scope under the Federal
13 Rules and/or other applicable law.

14 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
15 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
16 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
17 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff’s work
18 on the referenced patent owner response. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
19 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
20 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
21 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
22 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
23 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
24 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
25 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
26 incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ.

1 P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
2 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

3 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
4 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
5 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
6 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
7 production of electronically stored information, to the extent this Request seeks “[a]ll”
8 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
9 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
10 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
11 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
12 objects to this Request to the extent it seeks production of electronically stored information
13 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
14 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
16 it seeks production of electronically stored information that is unreasonably cumulative or
17 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
18 seeks production of electronically stored information that is or can be obtained from some other
19 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
20 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
21 production of electronically stored information that exceeds the scope of discovery permitted by
22 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
23 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
24 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
25 considering the importance of the issues at stake in the action, the amount in controversy, the
26 parties’ relative access to relevant information, including Kirkland’s access to relevant
27 information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
22 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
23 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
24 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
25 to this Request to the extent it seeks production of electronically stored information in more than
26 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
27 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff

1 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
6 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
7 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
8 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
9 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
11 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
12 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
14 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
15 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
16 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
17 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
18 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Subject to and without waiver of these objections and Plaintiff's General Objections,
20 Plaintiff responds as follows:

21 The Court has not yet entered a scheduling order in this case; the Court has not set a date
22 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
23 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
24 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
25 Request as this action and discovery proceed. Subject to the foregoing objections and to the
26 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
27 appropriate and, as discovery proceeds, will produce, before the close of discovery in
28

1 accordance with any scheduling order that the Court will issue in this case, responsive and
2 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
3 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
4 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
5 meet and confer regarding the scope of this Request.

6 **REQUEST FOR PRODUCTION NO. 105:**

7 All DOCUMENTS that EVIDENCE the allegations in paragraph 189 of the
8 COMPLAINT that "Plaintiff developed material arguments that Mr. Huehns should have but
9 failed to make, which arguments were in Plaintiff's POR argument outline and accompanying
10 email that she sent to Mr. Deoras. Mr. Deoras had Plaintiff begin drafting the POR. Saliently,
11 the POR filed in December 2021 included only Plaintiff's arguments, and the PTAB recently
12 determined that the claims were not unpatentable, i.e., Plaintiff's arguments proved victorious."

13 **RESPONSE TO REQUEST FOR PRODUCTION 105:**

14 In addition to the foregoing General Objections, each of which is specifically
15 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
16 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
17 calculated to lead to the discovery of admissible evidence and that is not proportional to the
18 needs of this case, and as seeking discovery outside the permissible scope under the Federal
19 Rules and/or other applicable law.

20 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
21 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
22 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
23 duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work
24 on the referenced patent owner response. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
25 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
26 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
27 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules

1 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 2 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 3 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 4 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 5 incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ.
 6 P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 7 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

8 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 9 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 10 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 11 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 12 production of electronically stored information, to the extent this Request seeks “[a]ll”
 13 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 14 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 15 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 16 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 17 objects to this Request to the extent it seeks production of electronically stored information
 18 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 19 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 21 it seeks production of electronically stored information that is unreasonably cumulative or
 22 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 23 seeks production of electronically stored information that is or can be obtained from some other
 24 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 25 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 26 production of electronically stored information that exceeds the scope of discovery permitted by
 27 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 28

1 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
2 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
3 considering the importance of the issues at stake in the action, the amount in controversy, the
4 parties' relative access to relevant information, including Kirkland's access to relevant
5 information because relevant information sought is or should be in Kirkland's possession,
6 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
7 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
8 the at most de minimis importance of cumulative and duplicative discovery requested ad
9 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
10 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
11 this Request to the extent it seeks production of electronically stored information that is not in
12 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
13 defendants' possession, custody, or control; and/or that is or should be available to Defendant
14 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
15 expense. Plaintiff further objects to this Request because it seeks production of electronically
16 stored information, including seeking discovery of duplicative and/or cumulative electronically
17 stored information, including without limitation to the extent this Request seeks "[a]ll"
18 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
19 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
20 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
21 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
22 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
23 stored information from sources that are not reasonably accessible because of undue burden or
24 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
25 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
26 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
27 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are

not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under

1 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
2 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
3 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
4 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
5 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
6 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
7 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
8 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
9 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
10 recorded or graphic material, however produced or reproduced and all other tangible objects,
11 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
12 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
13 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
14 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
15 produced” where “a document was prepared and several copies were made or if additional
16 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
17 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
18 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
19 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
20 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
21 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
22 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
23 and government and government agency of every nature or type”; and/or to the extent this
24 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
25 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
26 envelopes, explanatory notes or memoranda, and any other material that accompanied the
27 document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
11 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
12 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
13 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
16 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
19 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
20 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
21 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
22 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
23 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Subject to and without waiver of these objections and Plaintiff’s General Objections,
25 Plaintiff responds as follows:

26 The Court has not yet entered a scheduling order in this case; the Court has not set a date
27 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
28

responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 106:

All DOCUMENTS that EVIDENCE the allegation in paragraph 190 of the COMPLAINT that "Defendants changed relevant citations from Plaintiff's outline to irrelevant citations and to less authoritative sources in the filed POR to cloak their reliance on Plaintiff's work and arguments".

RESPONSE TO REQUEST FOR PRODUCTION 106:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work on the referenced patent owner response. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*

Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-

1 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
2 production of electronically stored information that exceeds the scope of discovery permitted by
3 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
4 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
5 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
6 considering the importance of the issues at stake in the action, the amount in controversy, the
7 parties' relative access to relevant information, including Kirkland's access to relevant
8 information because relevant information sought is or should be in Kirkland's possession,
9 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
10 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
11 the at most de minimis importance of cumulative and duplicative discovery requested ad
12 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
13 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
14 this Request to the extent it seeks production of electronically stored information that is not in
15 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
16 defendants' possession, custody, or control; and/or that is or should be available to Defendant
17 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
18 expense. Plaintiff further objects to this Request because it seeks production of electronically
19 stored information, including seeking discovery of duplicative and/or cumulative electronically
20 stored information, including without limitation to the extent this Request seeks "[a]ll"
21 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
22 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
23 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
24 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
25 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
26 stored information from sources that are not reasonably accessible because of undue burden or
27 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"

incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-defendants' possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs

its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested

1 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
2 envelopes, explanatory notes or memoranda, and any other material that accompanied the
3 document(s)” and “[i]f the specific document elicited a response, that response is also to be
4 identified and produced” and “[i]f the document was itself a response, the document to which it
5 responded is also to be identified and produced.”

6 Plaintiff intends to produce electronically stored information in a reasonably usable form.

7 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
8 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
9 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
10 possession, custody, or control; and/or that is or should be available to Defendant and more
11 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

12 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
13 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
14 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
15 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
16 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
17 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
18 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
19 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
20 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
21 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
22 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
23 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
24 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
25 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
26 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
9 appropriate and, as discovery proceeds, will produce, before the close of discovery in
10 accordance with any scheduling order that the Court will issue in this case, responsive and
11 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
12 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
13 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
14 meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 107:**

16 All DOCUMENTS that EVIDENCE the allegations in paragraphs 191-202 of the
17 COMPLAINT that "Defendants departed from Kirkland's standard practices and procedures
18 when 'evaluating,' 'reviewing' and firing Plaintiff".

19 **RESPONSE TO REQUEST FOR PRODUCTION 107:**

20 In addition to the foregoing General Objections, each of which is specifically
21 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
22 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
23 calculated to lead to the discovery of admissible evidence and that is not proportional to the
24 needs of this case, and as seeking discovery outside the permissible scope under the Federal
25 Rules and/or other applicable law.

26 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
27 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding discrimination, retaliation, and defamation. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or

1 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
2 seeks production of electronically stored information that is or can be obtained from some other
3 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
4 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
5 production of electronically stored information that exceeds the scope of discovery permitted by
6 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
7 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
8 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
9 considering the importance of the issues at stake in the action, the amount in controversy, the
10 parties' relative access to relevant information, including Kirkland's access to relevant
11 information because relevant information sought is or should be in Kirkland's possession,
12 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
13 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
14 the at most de minimis importance of cumulative and duplicative discovery requested ad
15 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
16 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
17 this Request to the extent it seeks production of electronically stored information that is not in
18 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or that is or should be available to Defendant
20 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff further objects to this Request because it seeks production of electronically
22 stored information, including seeking discovery of duplicative and/or cumulative electronically
23 stored information, including without limitation to the extent this Request seeks "[a]ll"
24 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
25 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
26 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
27 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.

34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,

including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent "YOU" and "YOUR" includes "any other PERSON representing" Plaintiff "or acting on her behalf," and/or to the extent "PERSON" means "any natural person, firm, entity, corporation,

1 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
2 and government and government agency of every nature or type”; and/or to the extent this
3 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
4 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
5 envelopes, explanatory notes or memoranda, and any other material that accompanied the
6 document(s)” and “[i]f the specific document elicited a response, that response is also to be
7 identified and produced” and “[i]f the document was itself a response, the document to which it
8 responded is also to be identified and produced.”

9 Plaintiff intends to produce electronically stored information in a reasonably usable form.

10 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
11 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
12 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
13 possession, custody, or control; and/or that is or should be available to Defendant and more
14 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

15 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
16 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
17 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
18 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
19 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
20 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
22 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
23 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
25 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
26 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
27 discovery not limited to the relevant time period regarding the facts at issue in this litigation.

1 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
2 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

3 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
4 full response until after further discovery is conducted.

5 Subject to and without waiver of these objections and Plaintiff's General Objections,
6 Plaintiff responds as follows:

7 The Court has not yet entered a scheduling order in this case; the Court has not set a date
8 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
9 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
10 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
11 Request as this action and discovery proceed. Subject to the foregoing objections and to the
12 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
13 appropriate and, as discovery proceeds, will produce, before the close of discovery in
14 accordance with any scheduling order that the Court will issue in this case, responsive and
15 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
16 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
17 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
18 meet and confer regarding the scope of this Request.

19 **REQUEST FOR PRODUCTION NO. 108:**

20 All DOCUMENTS that EVIDENCE the allegations in paragraphs 203-205 of the
21 COMPLAINT that "on September 28, 2021, Defendants Unlawfully Terminated Plaintiff."

22 **RESPONSE TO REQUEST FOR PRODUCTION 108:**

23 In addition to the foregoing General Objections, each of which is specifically
24 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
25 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
26 calculated to lead to the discovery of admissible evidence and that is not proportional to the
27

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding discrimination, retaliation, and defamation. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

1 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
3 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
5 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
6 stored information from sources that are not reasonably accessible because of undue burden or
7 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
8 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
9 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
10 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
11 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
12 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
13 to this Request to the extent it seeks production of electronically stored information in more than
14 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
15 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
16 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
17 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
18 graphic material, however produced or reproduced and all other tangible objects, including, but
19 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
20 specified means] or other means” “and all drafts and summaries thereof” “and any
21 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
22 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
23 produced” where “a document was prepared and several copies were made or if additional
24 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
25 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
26 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
27 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

1 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
3 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
4 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
5 including because the sought discovery is should be in Kirkland's or its co-defendants'
6 possession, custody, or control, the importance of the discovery sought from Plaintiff in
7 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
8 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
9 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
10 of the case, and a seeking discovery outside the scope of discovery permitted or required under
11 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
12 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
13 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
15 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
16 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
17 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
19 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
20 recorded or graphic material, however produced or reproduced and all other tangible objects,
21 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
22 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
23 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
24 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
25 produced" where "a document was prepared and several copies were made or if additional
26 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
27 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of

Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature because Plaintiff cannot provide a full response until after further discovery is conducted.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she has produced material responsive to this Request and states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 109:

All DOCUMENTS that EVIDENCE the allegations in paragraphs 206-207 of the COMPLAINT that “Plaintiff Was Informed for the First Time of the Alleged Deficiencies in Her Work After She Was Fired.”

RESPONSE TO REQUEST FOR PRODUCTION 109:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding discrimination, retaliation, and defamation. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll”

1 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
4 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information
6 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
7 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
9 it seeks production of electronically stored information that is unreasonably cumulative or
10 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
11 seeks production of electronically stored information that is or can be obtained from some other
12 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
13 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
14 production of electronically stored information that exceeds the scope of discovery permitted by
15 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
16 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
17 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
18 considering the importance of the issues at stake in the action, the amount in controversy, the
19 parties’ relative access to relevant information, including Kirkland’s access to relevant
20 information because relevant information sought is or should be in Kirkland’s possession,
21 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
22 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
23 the at most de minimis importance of cumulative and duplicative discovery requested ad
24 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
25 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
26 this Request to the extent it seeks production of electronically stored information that is not in
27 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-

defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
3 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
4 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
5 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
6 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
7 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
8 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
9 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
10 including because the sought discovery is should be in Kirkland’s or its co-defendants’
11 possession, custody, or control, the importance of the discovery sought from Plaintiff in
12 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
13 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
14 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
15 of the case, and a seeking discovery outside the scope of discovery permitted or required under
16 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
17 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
18 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
20 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
21 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
22 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
24 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
25 recorded or graphic material, however produced or reproduced and all other tangible objects,
26 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
27 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and

1 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
2 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
3 produced” where “a document was prepared and several copies were made or if additional
4 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
5 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
6 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
7 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
8 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
9 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
10 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
11 and government and government agency of every nature or type”; and/or to the extent this
12 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
13 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
14 envelopes, explanatory notes or memoranda, and any other material that accompanied the
15 document(s)” and “[i]f the specific document elicited a response, that response is also to be
16 identified and produced” and “[i]f the document was itself a response, the document to which it
17 responded is also to be identified and produced.”

18 Plaintiff intends to produce electronically stored information in a reasonably usable form.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
21 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
22 possession, custody, or control; and/or that is or should be available to Defendant and more
23 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
26 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
27 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional

1 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
2 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
4 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
5 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
7 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
8 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
9 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
10 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
11 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

12 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
13 full response until after further discovery is conducted.

14 Subject to and without waiver of these objections and Plaintiff’s General Objections,
15 Plaintiff responds as follows:

16 The Court has not yet entered a scheduling order in this case; the Court has not set a date
17 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
18 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
19 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
20 Request as this action and discovery proceed. Subject to the foregoing objections and to the
21 extent consistent with the same, Plaintiff states that she has produced material responsive to this
22 Request and states that she will conduct a reasonable search for documents as appropriate and,
23 as discovery proceeds, will produce, before the close of discovery in accordance with any
24 scheduling order that the Court will issue in this case, responsive and relevant documents that
25 are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and
26 control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the

1 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
2 the scope of this Request.

3 **REQUEST FOR PRODUCTION NO. 110:**

4 All DOCUMENTS that EVIDENCE the allegations in paragraphs 208-218 of the
5 COMPLAINT that “Plaintiff’s ‘Evaluations’ Contained Inconsistent Statements, Intentionally
6 Omitted Material Information and Context, and Exhibited Clear Coordination”.

7 **RESPONSE TO REQUEST FOR PRODUCTION 110:**

8 In addition to the foregoing General Objections, each of which is specifically
9 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
10 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
11 calculated to lead to the discovery of admissible evidence and that is not proportional to the
12 needs of this case, and as seeking discovery outside the permissible scope under the Federal
13 Rules and/or other applicable law.

14 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
15 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
16 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
17 duplicative of discovery sought in other Requests, including Requests regarding discrimination,
18 retaliation, and defamation. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ.
19 P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
20 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and
21 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
22 Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or
23 duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
24 DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or
25 relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates
26 or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1);
27
28

1 Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 2 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

3 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 4 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 5 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 6 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 7 production of electronically stored information, to the extent this Request seeks “[a]ll”
 8 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 9 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 10 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 11 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 12 objects to this Request to the extent it seeks production of electronically stored information
 13 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 14 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 16 it seeks production of electronically stored information that is unreasonably cumulative or
 17 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 18 seeks production of electronically stored information that is or can be obtained from some other
 19 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 20 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 21 production of electronically stored information that exceeds the scope of discovery permitted by
 22 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 23 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
 24 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
 25 considering the importance of the issues at stake in the action, the amount in controversy, the
 26 parties’ relative access to relevant information, including Kirkland’s access to relevant
 27 information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
22 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
23 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
24 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
25 to this Request to the extent it seeks production of electronically stored information in more than
26 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
27 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff

1 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
6 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
7 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
8 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
9 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
11 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
12 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
14 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
15 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
16 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
17 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
18 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
20 full response until after further discovery is conducted.

21 Subject to and without waiver of these objections and Plaintiff's General Objections,
22 Plaintiff responds as follows:

23 The Court has not yet entered a scheduling order in this case; the Court has not set a date
24 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
25 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
26 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
27 Request as this action and discovery proceed. Subject to the foregoing objections and to the

1 extent consistent with the same, Plaintiff states that she has produced material responsive to this
2 Request and states that she will conduct a reasonable search for documents as appropriate and,
3 as discovery proceeds, will produce, before the close of discovery in accordance with any
4 scheduling order that the Court will issue in this case, responsive and relevant documents that
5 are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and
6 control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the
7 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
8 the scope of this Request.

9 **REQUEST FOR PRODUCTION NO. 111:**

10 All DOCUMENTS that EVIDENCE the allegation in paragraph 215 of the
11 COMPLAINT that "Male Non-Share Partner Y told Plaintiff that Defendants had directed him
12 (Male Non-Share Partner Y) to criticize Plaintiff in his 'evaluation' of her".

13 **RESPONSE TO REQUEST FOR PRODUCTION 111:**

14 In addition to the foregoing General Objections, each of which is specifically
15 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
16 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
17 calculated to lead to the discovery of admissible evidence and that is not proportional to the
18 needs of this case, and as seeking discovery outside the permissible scope under the Federal
19 Rules and/or other applicable law.

20 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
21 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
22 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
23 duplicative of discovery sought in other Requests, including Requests regarding discrimination,
24 retaliation, and defamation. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ.
25 P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
26 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
28

Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically

1 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
2 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
3 considering the importance of the issues at stake in the action, the amount in controversy, the
4 parties' relative access to relevant information, including Kirkland's access to relevant
5 information because relevant information sought is or should be in Kirkland's possession,
6 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
7 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
8 the at most de minimis importance of cumulative and duplicative discovery requested ad
9 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
10 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
11 this Request to the extent it seeks production of electronically stored information that is not in
12 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
13 defendants' possession, custody, or control; and/or that is or should be available to Defendant
14 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
15 expense. Plaintiff further objects to this Request because it seeks production of electronically
16 stored information, including seeking discovery of duplicative and/or cumulative electronically
17 stored information, including without limitation to the extent this Request seeks "[a]ll"
18 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
19 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
20 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
21 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
22 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
23 stored information from sources that are not reasonably accessible because of undue burden or
24 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
25 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
26 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
27 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are

not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under

the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
11 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
12 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
13 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
16 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
19 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
20 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
21 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
22 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
23 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
25 full response until after further discovery is conducted.

26 Subject to and without waiver of these objections and Plaintiff’s General Objections,
27 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
7 documents as appropriate and, as discovery proceeds, will produce, before the close of
8 discovery in accordance with any scheduling order that the Court will issue in this case,
9 responsive and relevant documents that are neither privileged nor otherwise protected, are
10 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
11 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
12 she is willing to meet and confer regarding the scope of this Request.

13 **REQUEST FOR PRODUCTION NO. 112:**

14 All DOCUMENTS that EVIDENCE the allegation in paragraph 221 of the
15 COMPLAINT that "All of the statements by Defendants in the summary of Plaintiff's 'review'
16 are either statements of fact or statements of opinion implying an underlying basis in fact. All of
17 the statements are false. For any and all purported statements of opinion, the underlying factual
18 basis is false. Defendants' 'evaluations'—individually and collectively—are defamatory
19 because they are each without basis, indisputably contradict the truth, and directly denigrate
20 Plaintiff's professional skills and acumen. The gravity, magnitude, and extent of the lies
21 regarding Plaintiff's professional abilities and acumen and Defendants' coordination show that
22 Defendants made the defamatory statements with malice, i.e., with knowledge or reckless
23 disregard of their falsity. Defendants' publication was malicious, intentional, willful and done
24 with callous disregard for the foreseeable injury and damage to Plaintiff's professional career,
25 reputation, and livelihood and to foreseeable collateral damage to third parties who are close
26 with Plaintiff."

27 **RESPONSE TO REQUEST FOR PRODUCTION 112:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests, including Requests regarding discrimination,
11 retaliation, and defamation. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ.
12 P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
13 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and
14 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
15 Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or
16 duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
17 DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or
18 relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates
19 or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1);
20 Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
21 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

22 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
23 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
24 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
25 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
26 production of electronically stored information, to the extent this Request seeks “[a]ll”
27 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of

1 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
2 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
3 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
4 objects to this Request to the extent it seeks production of electronically stored information
5 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
6 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
7 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
8 it seeks production of electronically stored information that is unreasonably cumulative or
9 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
10 seeks production of electronically stored information that is or can be obtained from some other
11 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
12 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
13 production of electronically stored information that exceeds the scope of discovery permitted by
14 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
15 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
16 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
17 considering the importance of the issues at stake in the action, the amount in controversy, the
18 parties’ relative access to relevant information, including Kirkland’s access to relevant
19 information because relevant information sought is or should be in Kirkland’s possession,
20 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
21 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
22 the at most de minimis importance of cumulative and duplicative discovery requested ad
23 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
24 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
25 this Request to the extent it seeks production of electronically stored information that is not in
26 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-
27 defendants’ possession, custody, or control; and/or that is or should be available to Defendant

1 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff further objects to this Request because it seeks production of electronically
3 stored information, including seeking discovery of duplicative and/or cumulative electronically
4 stored information, including without limitation to the extent this Request seeks “[a]ll”
5 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
6 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
7 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
8 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
9 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
10 stored information from sources that are not reasonably accessible because of undue burden or
11 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
12 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
13 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
14 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
15 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
16 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
17 to this Request to the extent it seeks production of electronically stored information in more than
18 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
19 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
20 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
21 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
22 graphic material, however produced or reproduced and all other tangible objects, including, but
23 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
24 specified means] or other means” “and all drafts and summaries thereof” “and any
25 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
26 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
27 produced” where “a document was prepared and several copies were made or if additional

copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and

Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal

Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature because Plaintiff cannot provide a full response until after further discovery is conducted.

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she has produced material responsive to this Request and states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the

1 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
2 the scope of this Request.

3 **REQUEST FOR PRODUCTION NO. 113:**

4 All DOCUMENTS that EVIDENCE the allegation in paragraph 221 of the
5 COMPLAINT that “Defendants’ defamation of Plaintiff caused and has continued to cause
6 Plaintiff severe emotional, psychological, and physical harm and injury.”

7 **RESPONSE TO REQUEST FOR PRODUCTION 113:**

8 In addition to the foregoing General Objections, each of which is specifically
9 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
10 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
11 calculated to lead to the discovery of admissible evidence and that is not proportional to the
12 needs of this case, and as seeking discovery outside the permissible scope under the Federal
13 Rules and/or other applicable law.

14 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
15 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
16 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
17 duplicative of discovery sought in other Requests, including Requests regarding defamation,
18 discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
19 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
20 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
21 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
22 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
23 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
24 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
25 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
26 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.

R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
22 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
23 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
24 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
25 objects to this Request to the extent it seeks production of electronically stored information in
26 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
27 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).

1 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
5 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
6 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
7 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
8 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
9 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
10 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
11 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
12 applicable privilege or protection, including without limitation the psychotherapist-patient
13 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
14 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
15 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
16 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
17 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
18 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
19 agreement among the parties. The Court has not yet entered a scheduling order in this case.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
21 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
22 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
23 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
24 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
25 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
27 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and

1 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
2 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
3 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
4 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
5 seeks discovery not limited to the relevant time period regarding the facts at issue in this
6 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
7 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

8 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
9 provide a full response until after further discovery is conducted.

10 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
11 assessment, or determination, which will be adjudicated only by a judge and/or jury.

12 Subject to and without waiver of these objections and Plaintiff’s General Objections,
13 Plaintiff responds as follows:

14 The Court has not yet entered a scheduling order in this case; the Court has not set a date
15 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
16 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
17 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
18 Request as this action and discovery proceed. Subject to the foregoing objections and to the
19 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
20 documents as appropriate and, as discovery proceeds, will produce, before the close of
21 discovery in accordance with any scheduling order that the Court will issue in this case,
22 responsive and relevant documents that are neither privileged nor otherwise protected, are
23 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
24 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
25 she is willing to meet and confer regarding the scope of this Request.

26 **REQUEST FOR PRODUCTION NO. 114:**

1 All DOCUMENTS that EVIDENCE the allegation in paragraph 221 of the
2 COMPLAINT that “[t]he purpose of Defendants’ ‘evaluations’ of Plaintiff was not to serve as a
3 management tool for evaluation and documentation of Plaintiff’s performance”; and that “the
4 exclusive purpose of the ‘evaluations’ was to provide a vehicle to publish defamatory statements
5 of fact about Plaintiff to harm Plaintiff’s professional reputation and standing and to effectuate
6 Defendants’ unlawful termination of Plaintiff”.

7 **RESPONSE TO REQUEST FOR PRODUCTION 114:**

8 In addition to the foregoing General Objections, each of which is specifically
9 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
10 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
11 calculated to lead to the discovery of admissible evidence and that is not proportional to the
12 needs of this case, and as seeking discovery outside the permissible scope under the Federal
13 Rules and/or other applicable law.

14 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
15 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
16 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
17 duplicative of discovery sought in other Requests, including Requests regarding discrimination,
18 retaliation, and defamation. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ.
19 P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1).
20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and
21 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
22 and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to
23 the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
24 DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or
25 relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates
26 or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1);
27
28

1 Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 2 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

3 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 4 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 5 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 6 the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to
 7 production of electronically stored information, to the extent this Request seeks “[a]ll”
 8 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 9 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 10 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 11 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 12 objects to this Request to the extent it seeks production of electronically stored information
 13 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 14 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 16 it seeks production of electronically stored information that is unreasonably cumulative or
 17 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 18 seeks production of electronically stored information that is or can be obtained from some other
 19 source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-
 20 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 21 production of electronically stored information that exceeds the scope of discovery permitted by
 22 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 23 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
 24 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
 25 considering the importance of the issues at stake in the action, the amount in controversy, the
 26 parties’ relative access to relevant information, including Kirkland’s access to relevant
 27 information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
22 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
23 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
24 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
25 to this Request to the extent it seeks production of electronically stored information in more than
26 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
27 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff

1 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
6 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
7 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
8 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
9 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
11 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
12 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
14 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
15 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
16 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
17 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
18 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
20 provide a full response until after further discovery is conducted. Plaintiff further objects to this
21 Request to the extent it requires a legal conclusion, assessment, or determination, which will be
22 adjudicated only by a judge and/or jury.

23 Subject to and without waiver of these objections and Plaintiff's General Objections,
24 Plaintiff responds as follows:

25 The Court has not yet entered a scheduling order in this case; the Court has not set a date
26 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
27 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,

1 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
2 Request as this action and discovery proceed. Subject to the foregoing objections and to the
3 extent consistent with the same, Plaintiff states that she has produced material responsive to this
4 Request and states that she will conduct a reasonable search for documents as appropriate and,
5 as discovery proceeds, will produce, before the close of discovery in accordance with any
6 scheduling order that the Court will issue in this case, responsive and relevant documents that
7 are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and
8 control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the
9 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
10 the scope of this Request.

11 **REQUEST FOR PRODUCTION NO. 115:**

12 All DOCUMENTS that EVIDENCE the allegation in paragraph 222 of the
13 COMPLAINT that Defendants' defamatory "evaluations" were published to and considered by
14 at least around 118 individuals, including those on the IP Litigation ARC, Firmwide ARC,
15 Associate and Non-Share Partner Compensation Committee, and Firm Committee, which
16 collectively include numerous prominent, highly successful IP litigators. Per Kirkland's official
17 video regarding the 2021 Associate Review Process, Nicole Greenblatt, co-chair of the
18 Firmwide ARC, stated that the IP Litigation ARC met to "consider" each IP litigation
19 associate's rating and evaluations. Mr. Deoras told Plaintiff during her firing meeting that the IP
20 Litigation ARC listened to each associate's evaluations.

21 **RESPONSE TO REQUEST FOR PRODUCTION 115:**

22 In addition to the foregoing General Objections, each of which is specifically
23 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
24 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
25 calculated to lead to the discovery of admissible evidence and that is not proportional to the
26 needs of this case, and as seeking discovery outside the permissible scope under the Federal
27 Rules and/or other applicable law.

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 3 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 4 duplicative of discovery sought in other Requests, including Requests regarding discrimination,
 5 retaliation, and defamation. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ.
 6 P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1).
 7 Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and
 8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 9 and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to
 10 the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
 11 DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or
 12 relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates
 13 or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1);
 14 Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 15 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

16 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 17 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 18 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 19 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 20 production of electronically stored information, to the extent this Request seeks “[a]ll”
 21 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 22 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 23 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 24 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 25 objects to this Request to the extent it seeks production of electronically stored information
 26 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 27 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably

accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not

relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent

1 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
2 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
3 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
4 and government and government agency of every nature or type”; and/or to the extent this
5 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
6 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
7 envelopes, explanatory notes or memoranda, and any other material that accompanied the
8 document(s)” and “[i]f the specific document elicited a response, that response is also to be
9 identified and produced” and “[i]f the document was itself a response, the document to which it
10 responded is also to be identified and produced.”

11 Plaintiff intends to produce electronically stored information in a reasonably usable form.

12 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
13 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
14 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
15 possession, custody, or control; and/or that is or should be available to Defendant and more
16 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
19 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
20 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
21 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
22 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
23 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
24 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
25 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
26 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
27 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
28

1 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
2 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
3 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
4 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

5 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
6 provide a full response until after further discovery is conducted. Plaintiff further objects to this
7 Request to the extent it requires a legal conclusion, assessment, or determination, which will be
8 adjudicated only by a judge and/or jury.

9 Subject to and without waiver of these objections and Plaintiff’s General Objections,
10 Plaintiff responds as follows:

11 The Court has not yet entered a scheduling order in this case; the Court has not set a date
12 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
13 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
14 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
15 Request as this action and discovery proceed. Subject to the foregoing objections and to the
16 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
17 documents as appropriate and, as discovery proceeds, will produce, before the close of
18 discovery in accordance with any scheduling order that the Court will issue in this case,
19 responsive and relevant documents that are neither privileged nor otherwise protected, are
20 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
21 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
22 she is willing to meet and confer regarding the scope of this Request.

23 **REQUEST FOR PRODUCTION NO. 116:**

24 All DOCUMENTS that EVIDENCE the allegation in paragraph 223 of the
25 COMPLAINT that “some if not all of Defendants’ statements contained in Defendants’
26 ‘evaluations’ of Plaintiff were published to third parties outside of Kirkland by Defendants
27 and/or their agents”.

RESPONSE TO REQUEST FOR PRODUCTION 116:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding discrimination, retaliation, and defamation. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll”

1 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
3 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
4 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information
6 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
7 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
9 it seeks production of electronically stored information that is unreasonably cumulative or
10 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
11 seeks production of electronically stored information that is or can be obtained from some other
12 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
13 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
14 production of electronically stored information that exceeds the scope of discovery permitted by
15 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
16 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
17 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
18 considering the importance of the issues at stake in the action, the amount in controversy, the
19 parties’ relative access to relevant information, including Kirkland’s access to relevant
20 information because relevant information sought is or should be in Kirkland’s possession,
21 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
22 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
23 the at most de minimis importance of cumulative and duplicative discovery requested ad
24 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
25 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
26 this Request to the extent it seeks production of electronically stored information that is not in
27 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-

defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
3 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
4 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
5 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
6 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
7 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
8 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
9 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
10 including because the sought discovery is should be in Kirkland’s or its co-defendants’
11 possession, custody, or control, the importance of the discovery sought from Plaintiff in
12 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
13 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
14 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
15 of the case, and a seeking discovery outside the scope of discovery permitted or required under
16 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
17 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
18 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
20 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
21 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
22 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
24 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
25 recorded or graphic material, however produced or reproduced and all other tangible objects,
26 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
27 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and

1 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
2 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
3 produced” where “a document was prepared and several copies were made or if additional
4 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
5 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
6 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
7 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
8 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
9 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
10 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
11 and government and government agency of every nature or type”; and/or to the extent this
12 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
13 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
14 envelopes, explanatory notes or memoranda, and any other material that accompanied the
15 document(s)” and “[i]f the specific document elicited a response, that response is also to be
16 identified and produced” and “[i]f the document was itself a response, the document to which it
17 responded is also to be identified and produced.”

18 Plaintiff intends to produce electronically stored information in a reasonably usable form.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
21 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
22 possession, custody, or control; and/or that is or should be available to Defendant and more
23 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
26 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
27 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional

1 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
2 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
4 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
5 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
7 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
8 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
9 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
10 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
11 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

12 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
13 full response until after further discovery is conducted. Plaintiff further objects to this Request
14 to the extent it requires a legal conclusion, assessment, or determination, which will be
15 adjudicated only by a judge and/or jury.

16 Subject to and without waiver of these objections and Plaintiff’s General Objections,
17 Plaintiff responds as follows:

18 The Court has not yet entered a scheduling order in this case; the Court has not set a date
19 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
20 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
21 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
22 Request as this action and discovery proceed. Subject to the foregoing objections and to the
23 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
24 documents as appropriate and, as discovery proceeds, will produce, before the close of
25 discovery in accordance with any scheduling order that the Court will issue in this case,
26 responsive and relevant documents that are neither privileged nor otherwise protected, are
27 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located

1 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
2 she is willing to meet and confer regarding the scope of this Request.

3 **REQUEST FOR PRODUCTION NO. 117:**

4 All DOCUMENTS that EVIDENCE the allegation in paragraph 224 of the
5 COMPLAINT that "Plaintiff has been unable to obtain even a single interview at any
6 comparable or even close to comparable law firms".

7 **RESPONSE TO REQUEST FOR PRODUCTION 117:**

8 In addition to the foregoing General Objections, each of which is specifically
9 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
10 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
11 calculated to lead to the discovery of admissible evidence and that is not proportional to the
12 needs of this case, and as seeking discovery outside the permissible scope under the Federal
13 Rules and/or other applicable law.

14 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
15 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
16 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
17 duplicative of discovery sought in other Requests, including Requests regarding defamation,
18 discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
19 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
20 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
21 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
22 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
23 and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and
24 "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates
25 or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and
26 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.

R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
22 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
23 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
24 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
25 objects to this Request to the extent it seeks production of electronically stored information in
26 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
27 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).

1 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
5 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
6 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
7 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
8 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
9 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
10 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
11 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
12 applicable privilege or protection, including without limitation the psychotherapist-patient
13 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
14 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
15 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
16 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
17 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
18 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
19 agreement among the parties. The Court has not yet entered a scheduling order in this case.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
21 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
22 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
23 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
24 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
25 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
27 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and

1 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
2 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
3 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
4 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
5 seeks discovery not limited to the relevant time period regarding the facts at issue in this
6 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
7 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

8 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
9 provide a full response until after further discovery is conducted.

10 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
11 assessment, or determination, which will be adjudicated only by a judge and/or jury.

12 Subject to and without waiver of these objections and Plaintiff’s General Objections,
13 Plaintiff responds as follows:

14 The Court has not yet entered a scheduling order in this case; the Court has not set a date
15 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
16 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
17 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
18 Request as this action and discovery proceed. Subject to the foregoing objections and to the
19 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
20 documents as appropriate and, as discovery proceeds, will produce, before the close of
21 discovery in accordance with any scheduling order that the Court will issue in this case,
22 responsive and relevant documents that are neither privileged nor otherwise protected, are
23 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
24 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
25 she is willing to meet and confer regarding the scope of this Request.

26 **REQUEST FOR PRODUCTION NO. 118:**

1 All DOCUMENTS that EVIDENCE the allegation in paragraph 225 of the
2 COMPLAINT that “On information and belief, the defamatory ‘evaluations’ were published to
3 ALAS personnel and to member firms.”

4 **RESPONSE TO REQUEST FOR PRODUCTION 118:**

5 In addition to the foregoing General Objections, each of which is specifically
6 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
7 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
8 calculated to lead to the discovery of admissible evidence and that is not proportional to the
9 needs of this case, and as seeking discovery outside the permissible scope under the Federal
10 Rules and/or other applicable law.

11 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
12 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
13 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
14 duplicative of discovery sought in other Requests, including Requests regarding discrimination,
15 retaliation, and defamation. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ.
16 P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1).
17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and
18 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
19 and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to
20 the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
21 DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or
22 relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates
23 or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1);
24 Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
25 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

26 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
27 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

1 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
2 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
3 production of electronically stored information, to the extent this Request seeks “[a]ll”
4 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
5 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
6 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
7 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
8 objects to this Request to the extent it seeks production of electronically stored information
9 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
10 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
12 it seeks production of electronically stored information that is unreasonably cumulative or
13 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
14 seeks production of electronically stored information that is or can be obtained from some other
15 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
16 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
17 production of electronically stored information that exceeds the scope of discovery permitted by
18 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
19 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
20 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
21 considering the importance of the issues at stake in the action, the amount in controversy, the
22 parties’ relative access to relevant information, including Kirkland’s access to relevant
23 information because relevant information sought is or should be in Kirkland’s possession,
24 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
25 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
26 the at most de minimis importance of cumulative and duplicative discovery requested ad
27 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its

likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six

specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,

1 recorded or graphic material, however produced or reproduced and all other tangible objects,
2 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
3 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
4 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
5 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
8 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
9 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
10 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
11 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
12 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
13 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
14 and government and government agency of every nature or type”; and/or to the extent this
15 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
16 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
17 envelopes, explanatory notes or memoranda, and any other material that accompanied the
18 document(s)” and “[i]f the specific document elicited a response, that response is also to be
19 identified and produced” and “[i]f the document was itself a response, the document to which it
20 responded is also to be identified and produced.”

21 Plaintiff intends to produce electronically stored information in a reasonably usable form.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
24 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
25 possession, custody, or control; and/or that is or should be available to Defendant and more
26 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
3 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
4 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
5 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
6 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
7 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
8 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
9 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
11 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
12 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
13 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
14 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
15 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

16 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
17 full response until after further discovery is conducted. Plaintiff further objects to this Request
18 to the extent it requires a legal conclusion, assessment, or determination, which will be
19 adjudicated only by a judge and/or jury.

20 Subject to and without waiver of these objections and Plaintiff’s General Objections,
21 Plaintiff responds as follows:

22 The Court has not yet entered a scheduling order in this case; the Court has not set a date
23 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
24 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
25 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
26 Request as this action and discovery proceed. Subject to the foregoing objections and to the
27 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
28

documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 119:

All DOCUMENTS that EVIDENCE the allegation in paragraph 230 of the COMPLAINT that "During Plaintiff's October 4, 2021 call with Ms. Zbesko, she told Plaintiff that Kirkland's chief HR officer, Wendy Cartland, would contact Plaintiff regarding her claims against the Firm either that evening or the next day, October 5, 2021. Defendants delayed contacting Plaintiff."

RESPONSE TO REQUEST FOR PRODUCTION 119:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is

1 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 2 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 3 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 4 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 5 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 6 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 9 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 10 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 11 production of electronically stored information, to the extent this Request seeks “[a]ll”
 12 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 13 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 14 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 15 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 16 objects to this Request to the extent it seeks production of electronically stored information
 17 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 18 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 20 it seeks production of electronically stored information that is unreasonably cumulative or
 21 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 22 seeks production of electronically stored information that is or can be obtained from some other
 23 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 24 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 25 production of electronically stored information that exceeds the scope of discovery permitted by
 26 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 27 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
 28

1 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
2 considering the importance of the issues at stake in the action, the amount in controversy, the
3 parties' relative access to relevant information, including Kirkland's access to relevant
4 information because relevant information sought is or should be in Kirkland's possession,
5 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
6 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
7 the at most de minimis importance of cumulative and duplicative discovery requested ad
8 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
9 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
10 this Request to the extent it seeks production of electronically stored information that is not in
11 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
12 defendants' possession, custody, or control; and/or that is or should be available to Defendant
13 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff further objects to this Request because it seeks production of electronically
15 stored information, including seeking discovery of duplicative and/or cumulative electronically
16 stored information, including without limitation to the extent this Request seeks "[a]ll"
17 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
18 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
19 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
20 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
21 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
22 stored information from sources that are not reasonably accessible because of undue burden or
23 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
24 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
25 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
26 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
27 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.

Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll

DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
11 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
12 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
13 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
16 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
19 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
20 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
21 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
22 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
23 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
25 full response until after further discovery is conducted.

26 Subject to and without waiver of these objections and Plaintiff’s General Objections,
27 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
7 documents as appropriate and, as discovery proceeds, will produce, before the close of
8 discovery in accordance with any scheduling order that the Court will issue in this case,
9 responsive and relevant documents that are neither privileged nor otherwise protected, are
10 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
11 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
12 she is willing to meet and confer regarding the scope of this Request. Plaintiff states that the
13 aforementioned comment was made verbally.

14 **REQUEST FOR PRODUCTION NO. 120:**

15 All DOCUMENTS that EVIDENCE the allegations in paragraphs 231-232 of the
16 COMPLAINT regarding the alleged November 5, 2021 meeting with Plaintiff, a third party, Ms.
17 Cartland, and Kirkland's assistant general counsel, Sarah Herlihy.

18 **RESPONSE TO REQUEST FOR PRODUCTION 120:**

19 In addition to the foregoing General Objections, each of which is specifically
20 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
21 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
22 calculated to lead to the discovery of admissible evidence and that is not proportional to the
23 needs of this case, and as seeking discovery outside the permissible scope under the Federal
24 Rules and/or other applicable law.

25 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
26 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
27 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
28

1 duplicative of discovery sought in other Requests, including Requests regarding defamation,
 2 discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
 3 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 4 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
 5 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 6 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 7 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 8 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 9 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 10 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
 11 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
 12 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

13 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 14 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 15 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 16 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 17 production of electronically stored information, to the extent this Request seeks “[a]ll”
 18 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 19 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 21 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 22 objects to this Request to the extent it seeks production of electronically stored information
 23 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 24 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 25 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 26 it seeks production of electronically stored information that is unreasonably cumulative or
 27 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it

1 seeks production of electronically stored information that is or can be obtained from some other
2 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
3 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
4 production of electronically stored information that exceeds the scope of discovery permitted by
5 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
6 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
7 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
8 considering the importance of the issues at stake in the action, the amount in controversy, the
9 parties' relative access to relevant information, including Kirkland's access to relevant
10 information because relevant information sought is or should be in Kirkland's possession,
11 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
12 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
13 the at most de minimis importance of cumulative and duplicative discovery requested ad
14 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
15 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
16 this Request to the extent it seeks production of electronically stored information that is not in
17 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or that is or should be available to Defendant
19 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff further objects to this Request because it seeks production of electronically
21 stored information, including seeking discovery of duplicative and/or cumulative electronically
22 stored information, including without limitation to the extent this Request seeks "[a]ll"
23 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
24 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
25 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
26 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
27 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
28

1 stored information from sources that are not reasonably accessible because of undue burden or
2 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
3 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
4 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
5 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
6 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
7 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
8 objects to this Request to the extent it seeks production of electronically stored information in
9 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
10 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
11 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
12 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
13 graphic material, however produced or reproduced and all other tangible objects, including, but
14 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
15 specified means] or other means” “and all drafts and summaries thereof” “and any
16 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
17 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
18 produced” where “a document was prepared and several copies were made or if additional
19 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
20 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
21 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
22 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
23 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
25 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
26 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
27 including because the sought discovery is should be in Kirkland’s or its co-defendants’

1 possession, custody, or control, the importance of the discovery sought from Plaintiff in
2 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
3 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
4 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
5 of the case, and as seeking discovery outside the scope of discovery permitted or required under
6 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
7 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
8 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
10 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
11 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
12 and as seeking discovery outside the scope of discovery permitted under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
14 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
15 recorded or graphic material, however produced or reproduced and all other tangible objects,
16 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
17 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
18 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
19 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
20 produced” where “a document was prepared and several copies were made or if additional
21 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
22 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
23 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
24 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
25 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
26 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
27 partnership, proprietorship, association, joint venture, other form of organization or arrangement,

1 and government and government agency of every nature or type”; and/or to the extent this
2 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
3 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
4 envelopes, explanatory notes or memoranda, and any other material that accompanied the
5 document(s)” and “[i]f the specific document elicited a response, that response is also to be
6 identified and produced” and “[i]f the document was itself a response, the document to which it
7 responded is also to be identified and produced.”

8 Plaintiff intends to produce electronically stored information in a reasonably usable form.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
11 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
12 possession, custody, or control; and/or that is or should be available to Defendant and more
13 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

14 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
15 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
16 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
17 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
18 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
19 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
20 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
21 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
22 applicable privilege or protection, including without limitation the psychotherapist-patient
23 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
24 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
25 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
26 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
27 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case

1 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
2 agreement among the parties. The Court has not yet entered a scheduling order in this case.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
15 seeks discovery not limited to the relevant time period regarding the facts at issue in this
16 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
17 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
19 provide a full response until after further discovery is conducted.

20 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
21 assessment, or determination, which will be adjudicated only by a judge and/or jury.

22 Subject to and without waiver of these objections and Plaintiff’s General Objections,
23 Plaintiff responds as follows:

24 The Court has not yet entered a scheduling order in this case; the Court has not set a date
25 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
26 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
27 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
28

Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 121:

All DOCUMENTS that EVIDENCE the allegations in paragraph 233 of the COMPLAINT that "Plaintiff applied in November 2021 for unemployment benefits with the D.C. Office of Employment Services ("DOES"); that "after speaking to multiple DOES employees, a claims examiner, and an adjudication specialist, DOES informed Plaintiff that her receipt of benefits had been delayed because Kirkland had brazenly lied to DOES and said Plaintiff never worked at the firm"; that "DOES further informed Plaintiff that Kirkland would have to pay a penalty for lying"; and that "Plaintiff has still not received a very large portion of the benefits to which she is entitled".

RESPONSE TO REQUEST FOR PRODUCTION 121:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or

1 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
 2 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 3 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 4 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 5 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 6 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 7 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 8 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 9 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 10 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 11 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

12 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 13 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 14 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 15 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 16 production of electronically stored information, to the extent this Request seeks “[a]ll”
 17 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 18 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P.
 19 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 20 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 21 objects to this Request to the extent it seeks production of electronically stored information
 22 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 23 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 25 it seeks production of electronically stored information that is unreasonably cumulative or
 26 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 27 seeks production of electronically stored information that is or can be obtained from some other
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1 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
2 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
3 production of electronically stored information that exceeds the scope of discovery permitted by
4 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
5 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
6 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
7 considering the importance of the issues at stake in the action, the amount in controversy, the
8 parties' relative access to relevant information, including Kirkland's access to relevant
9 information because relevant information sought is or should be in Kirkland's possession,
10 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
11 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
12 the at most de minimis importance of cumulative and duplicative discovery requested ad
13 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
14 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
15 this Request to the extent it seeks production of electronically stored information that is not in
16 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
17 defendants' possession, custody, or control; and/or that is or should be available to Defendant
18 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
19 expense. Plaintiff further objects to this Request because it seeks production of electronically
20 stored information, including seeking discovery of duplicative and/or cumulative electronically
21 stored information, including without limitation to the extent this Request seeks "[a]ll"
22 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
23 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
24 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
25 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
26 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
27 stored information from sources that are not reasonably accessible because of undue burden or
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1 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
2 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
3 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
4 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
5 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
6 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
7 to this Request to the extent it seeks production of electronically stored information in more than
8 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
9 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
10 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
11 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
12 graphic material, however produced or reproduced and all other tangible objects, including, but
13 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
14 specified means] or other means” “and all drafts and summaries thereof” “and any
15 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
16 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
19 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
20 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
21 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
22 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
23 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
24 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
25 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
26 including because the sought discovery is should be in Kirkland’s or its co-defendants’
27 possession, custody, or control, the importance of the discovery sought from Plaintiff in

1 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
2 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
3 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
4 of the case, and as seeking discovery outside the scope of discovery permitted or required under
5 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
6 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
7 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
9 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
10 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
11 and as seeking discovery outside the scope of discovery permitted under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
13 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
14 recorded or graphic material, however produced or reproduced and all other tangible objects,
15 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
16 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
17 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
18 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
19 produced” where “a document was prepared and several copies were made or if additional
20 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
21 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
22 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
23 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
24 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
25 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
26 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
27 and government and government agency of every nature or type”; and/or to the extent this

Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
2 full response until after further discovery is conducted.

3 Subject to and without waiver of these objections and Plaintiff's General Objections,
4 Plaintiff responds as follows:

5 The Court has not yet entered a scheduling order in this case; the Court has not set a date
6 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
7 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
8 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
9 Request as this action and discovery proceed. Subject to the foregoing objections and to the
10 extent consistent with the same, Plaintiff states that she has produced material responsive to this
11 Request and states that she will conduct a reasonable search for documents as appropriate and,
12 as discovery proceeds, will produce, before the close of discovery in accordance with any
13 scheduling order that the Court will issue in this case, responsive and relevant documents that
14 are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and
15 control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the
16 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
17 the scope of this Request.

18 **REQUEST FOR PRODUCTION NO. 122:**

19 All DOCUMENTS that EVIDENCE the allegations in paragraph 234 of the
20 COMPLAINT that "Kirkland deliberately failed to timely send Plaintiff her W-2 form for her
21 2021 tax return in advance of the filing deadline in further retaliation and in an effort to
22 prejudice Plaintiff"; and that "Kirkland did not send Plaintiff her W-2 until the evening of the
23 date taxes were due, requiring Plaintiff to request an extension from the IRS".

24 **RESPONSE TO REQUEST FOR PRODUCTION 122:**

25 In addition to the foregoing General Objections, each of which is specifically
26 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
27 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably

1 calculated to lead to the discovery of admissible evidence and that is not proportional to the
2 needs of this case, and as seeking discovery outside the permissible scope under the Federal
3 Rules and/or other applicable law.

4 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
5 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
6 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
7 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
8 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
9 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
10 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
11 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
12 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
13 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
14 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
15 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
16 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
17 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
19 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
20 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
21 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
22 production of electronically stored information, to the extent this Request seeks “[a]ll”
23 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
24 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
25 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
26 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
27 objects to this Request to the extent it seeks production of electronically stored information
28

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

“DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, that is not reasonably
 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 stored information from sources that are not reasonably accessible because of undue burden or
 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
 extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are
 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
 to this Request to the extent it seeks production of electronically stored information in more than
 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
 graphic material, however produced or reproduced and all other tangible objects, including, but
 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
 specified means] or other means” “and all drafts and summaries thereof” “and any
 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
 produced” where “a document was prepared and several copies were made or if additional
 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

1 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
3 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
4 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
5 including because the sought discovery is should be in Kirkland's or its co-defendants'
6 possession, custody, or control, the importance of the discovery sought from Plaintiff in
7 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
8 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
9 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
10 of the case, and a seeking discovery outside the scope of discovery permitted or required under
11 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
12 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
13 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
15 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
16 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
17 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
19 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
20 recorded or graphic material, however produced or reproduced and all other tangible objects,
21 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
22 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
23 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
24 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
25 produced" where "a document was prepared and several copies were made or if additional
26 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
27 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of

Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature because Plaintiff cannot provide a full response until after further discovery is conducted.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 123:

All DOCUMENTS that EVIDENCE the allegations in paragraph 235 of the COMPLAINT that “[a]s a direct and proximate result of the acts and omissions of the Defendants, Plaintiff has suffered, and continues to suffer, emotional distress and psychological damage, as well as physical manifestations of the emotional distress and psychological

1 damage”; that “[t]his includes, but is not limited to: humiliation, mental anguish, stress, fear,
2 and depression”; and that “[t]he physical manifestations included but are not limited to: nausea,
3 vomiting, and migraines”.

4 **RESPONSE TO REQUEST FOR PRODUCTION 123:**

5 In addition to the foregoing General Objections, each of which is specifically
6 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
7 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
8 calculated to lead to the discovery of admissible evidence and that is not proportional to the
9 needs of this case, and as seeking discovery outside the permissible scope under the Federal
10 Rules and/or other applicable law.

11 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
12 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
13 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
14 duplicative of discovery sought in other Requests, including Requests regarding defamation,
15 discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*,
16 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
17 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
18 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
19 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
20 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
21 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
22 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
23 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
24 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
25 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

26 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
27 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

1 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
2 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
3 production of electronically stored information, to the extent this Request seeks “[a]ll”
4 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
5 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
6 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
7 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
8 objects to this Request to the extent it seeks production of electronically stored information
9 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
10 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
12 it seeks production of electronically stored information that is unreasonably cumulative or
13 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
14 seeks production of electronically stored information that is or can be obtained from some other
15 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
16 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
17 production of electronically stored information that exceeds the scope of discovery permitted by
18 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
19 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
20 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
21 considering the importance of the issues at stake in the action, the amount in controversy, the
22 parties’ relative access to relevant information, including Kirkland’s access to relevant
23 information because relevant information sought is or should be in Kirkland’s possession,
24 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
25 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
26 the at most de minimis importance of cumulative and duplicative discovery requested ad
27 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its

likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six

specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,

1 recorded or graphic material, however produced or reproduced and all other tangible objects,
2 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
3 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
4 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
5 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
8 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
9 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
10 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
11 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
12 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
13 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
14 and government and government agency of every nature or type”; and/or to the extent this
15 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
16 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
17 envelopes, explanatory notes or memoranda, and any other material that accompanied the
18 document(s)” and “[i]f the specific document elicited a response, that response is also to be
19 identified and produced” and “[i]f the document was itself a response, the document to which it
20 responded is also to be identified and produced.”

21 Plaintiff intends to produce electronically stored information in a reasonably usable form.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
24 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
25 possession, custody, or control; and/or that is or should be available to Defendant and more
26 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

1 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
2 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
3 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
4 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
5 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
6 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
7 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
8 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
9 applicable privilege or protection, including without limitation the psychotherapist-patient
10 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
11 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
12 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
13 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
14 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
15 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
16 agreement among the parties. The Court has not yet entered a scheduling order in this case.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
19 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
20 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
21 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
22 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
23 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
24 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
25 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
26 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
27 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
28

1 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
2 seeks discovery not limited to the relevant time period regarding the facts at issue in this
3 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
4 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

5 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
6 provide a full response until after further discovery is conducted. Plaintiff further objects to this
7 Request to the extent it requires a legal conclusion, assessment, or determination, which will be
8 adjudicated only by a judge and/or jury.

9 Subject to and without waiver of these objections and Plaintiff’s General Objections,
10 Plaintiff responds as follows:

11 The Court has not yet entered a scheduling order in this case; the Court has not set a date
12 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
13 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
14 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
15 Request as this action and discovery proceed. Subject to the foregoing objections and to the
16 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
17 documents as appropriate and, as discovery proceeds, will produce, before the close of
18 discovery in accordance with any scheduling order that the Court will issue in this case,
19 responsive and relevant documents that are neither privileged nor otherwise protected, are
20 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
21 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
22 she is willing to meet and confer regarding the scope of this Request.

23 **REQUEST FOR PRODUCTION NO. 124:**

24 All DOCUMENTS that EVIDENCE the allegation in paragraph 236 of the
25 COMPLAINT that “Defendants’ actions have also resulted in wage and benefit losses and are
26 expected to lead to additional economic loss in the future”.

27 **RESPONSE TO REQUEST FOR PRODUCTION 124:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests, including Requests regarding defamation,
11 discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
12 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
13 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
14 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
15 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
16 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
17 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
18 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
19 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
20 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
21 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

22 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
23 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
24 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
25 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
26 production of electronically stored information, to the extent this Request seeks “[a]ll”
27 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
28

1 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
3 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
4 objects to this Request to the extent it seeks production of electronically stored information
5 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
6 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
7 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
8 it seeks production of electronically stored information that is unreasonably cumulative or
9 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
10 seeks production of electronically stored information that is or can be obtained from some other
11 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
12 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
13 production of electronically stored information that exceeds the scope of discovery permitted by
14 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
15 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
16 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
17 considering the importance of the issues at stake in the action, the amount in controversy, the
18 parties’ relative access to relevant information, including Kirkland’s access to relevant
19 information because relevant information sought is or should be in Kirkland’s possession,
20 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
21 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
22 the at most de minimis importance of cumulative and duplicative discovery requested ad
23 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
24 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
25 this Request to the extent it seeks production of electronically stored information that is not in
26 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-
27 defendants’ possession, custody, or control; and/or that is or should be available to Defendant

1 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff further objects to this Request because it seeks production of electronically
3 stored information, including seeking discovery of duplicative and/or cumulative electronically
4 stored information, including without limitation to the extent this Request seeks “[a]ll”
5 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
6 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
7 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
8 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
9 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
10 stored information from sources that are not reasonably accessible because of undue burden or
11 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
12 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
13 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
14 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
15 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
16 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
17 objects to this Request to the extent it seeks production of electronically stored information in
18 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
19 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
20 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
21 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
22 graphic material, however produced or reproduced and all other tangible objects, including, but
23 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
24 specified means] or other means” “and all drafts and summaries thereof” “and any
25 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
26 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
27 produced” where “a document was prepared and several copies were made or if additional

1 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
2 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
3 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
4 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
5 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
6 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
7 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
8 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
9 including because the sought discovery is should be in Kirkland’s or its co-defendants’
10 possession, custody, or control, the importance of the discovery sought from Plaintiff in
11 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
12 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
13 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
14 of the case, and a seeking discovery outside the scope of discovery permitted or required under
15 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
16 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
17 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
18 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
19 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
20 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
21 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
22 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
23 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
24 recorded or graphic material, however produced or reproduced and all other tangible objects,
25 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
26 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
27 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
28

1 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
2 produced” where “a document was prepared and several copies were made or if additional
3 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
4 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
5 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
6 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
7 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
8 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
9 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
10 and government and government agency of every nature or type”; and/or to the extent this
11 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
12 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
13 envelopes, explanatory notes or memoranda, and any other material that accompanied the
14 document(s)” and “[i]f the specific document elicited a response, that response is also to be
15 identified and produced” and “[i]f the document was itself a response, the document to which it
16 responded is also to be identified and produced.”

17 Plaintiff intends to produce electronically stored information in a reasonably usable form.

18 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
19 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
20 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
21 possession, custody, or control; and/or that is or should be available to Defendant and more
22 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

23 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
24 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
25 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
26 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
27 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.

1 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
2 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
3 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
4 applicable privilege or protection, including without limitation the psychotherapist-patient
5 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
6 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
7 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
8 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
9 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
10 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
11 agreement among the parties. The Court has not yet entered a scheduling order in this case.

12 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
13 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
14 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
15 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
16 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
17 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
18 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
19 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
20 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
21 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
22 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
23 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
24 seeks discovery not limited to the relevant time period regarding the facts at issue in this
25 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
26 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
2 provide a full response until after further discovery is conducted.

3 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
4 assessment, or determination, which will be adjudicated only by a judge and/or jury.

5 Subject to and without waiver of these objections and Plaintiff's General Objections,
6 Plaintiff responds as follows:

7 The Court has not yet entered a scheduling order in this case; the Court has not set a date
8 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
9 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
10 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
11 Request as this action and discovery proceed. Subject to the foregoing objections and to the
12 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
13 documents as appropriate and, as discovery proceeds, will produce, before the close of
14 discovery in accordance with any scheduling order that the Court will issue in this case,
15 responsive and relevant documents that are neither privileged nor otherwise protected, are
16 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
17 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
18 she is willing to meet and confer regarding the scope of this Request.

19 **REQUEST FOR PRODUCTION NO. 125:**

20 All DOCUMENTS that EVIDENCE the allegation in paragraph 237 of the
21 COMPLAINT that "Defendants' actions have disrupted Plaintiff's personal life, including
22 requiring her to downsize and move far outside the city where she used to reside for years".

23 **RESPONSE TO REQUEST FOR PRODUCTION 125:**

24 In addition to the foregoing General Objections, each of which is specifically
25 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
26 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
27 calculated to lead to the discovery of admissible evidence and that is not proportional to the
28

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

1 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
3 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
5 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
6 stored information from sources that are not reasonably accessible because of undue burden or
7 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
8 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
9 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
10 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
11 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
12 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
13 objects to this Request to the extent it seeks production of electronically stored information in
14 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See,*
15 *e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
16 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
17 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
18 graphic material, however produced or reproduced and all other tangible objects, including, but
19 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
20 specified means] or other means” “and all drafts and summaries thereof” “and any
21 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
22 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
23 produced” where “a document was prepared and several copies were made or if additional
24 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
25 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
26 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
27 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

1 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
3 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
4 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
5 including because the sought discovery is should be in Kirkland's or its co-defendants'
6 possession, custody, or control, the importance of the discovery sought from Plaintiff in
7 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
8 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
9 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
10 of the case, and a seeking discovery outside the scope of discovery permitted or required under
11 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
12 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
13 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
15 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
16 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
17 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
19 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
20 recorded or graphic material, however produced or reproduced and all other tangible objects,
21 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
22 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
23 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
24 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
25 produced" where "a document was prepared and several copies were made or if additional
26 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
27 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient

1 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
2 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
3 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
4 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
5 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
6 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
7 agreement among the parties. The Court has not yet entered a scheduling order in this case.

8 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
9 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
10 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
11 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
12 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
13 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
15 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
16 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
17 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
18 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
19 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
20 seeks discovery not limited to the relevant time period regarding the facts at issue in this
21 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
22 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

23 Plaintiff further objects to this Request as premature.

24 Subject to and without waiver of these objections and Plaintiff's General Objections,
25 Plaintiff responds as follows:

26 The Court has not yet entered a scheduling order in this case; the Court has not set a date
27 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
28

responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 126:

All DOCUMENTS that EVIDENCE the allegations in paragraph 239 of the COMPLAINT that "Defendants' acts and omissions were malicious or oppressive, and intended to vex, injury, annoy, humiliate, and embarrass Plaintiff, all with conscious disregard of the rights and safety of Plaintiff"; and that "Defendants", including without limitation Defendant Kirkland's, managing agents ratified the wrongful conduct of its and other Defendants' supervisors, principals, alter egos, joint ventures, employees, and/or agents, because they were aware of discriminatory conduct, and failed to take immediate remedial action after Plaintiff's April 29, 2021 reporting of Defendants' discriminatory, harassing, and oppressive conduct and after Plaintiff's July 23, 2021 reporting of Defendants' discriminatory, harassing, retaliatory, and oppressive conduct".

RESPONSE TO REQUEST FOR PRODUCTION 126:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

1 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
3 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
5 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
6 stored information from sources that are not reasonably accessible because of undue burden or
7 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
8 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
9 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
10 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
11 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
12 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
13 objects to this Request to the extent it seeks production of electronically stored information in
14 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
15 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
16 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
17 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
18 graphic material, however produced or reproduced and all other tangible objects, including, but
19 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
20 specified means] or other means” “and all drafts and summaries thereof” “and any
21 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
22 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
23 produced” where “a document was prepared and several copies were made or if additional
24 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
25 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
26 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
27 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

1 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
3 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
4 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
5 including because the sought discovery is should be in Kirkland's or its co-defendants'
6 possession, custody, or control, the importance of the discovery sought from Plaintiff in
7 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
8 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
9 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
10 of the case, and a seeking discovery outside the scope of discovery permitted or required under
11 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
12 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
13 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
15 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
16 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
17 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
19 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
20 recorded or graphic material, however produced or reproduced and all other tangible objects,
21 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
22 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
23 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
24 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
25 produced" where "a document was prepared and several copies were made or if additional
26 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
27 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient

1 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
2 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
3 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
4 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
5 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
6 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
7 agreement among the parties. The Court has not yet entered a scheduling order in this case.

8 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
9 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
10 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
11 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
12 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
13 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
15 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
16 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
17 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
18 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
19 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
20 seeks discovery not limited to the relevant time period regarding the facts at issue in this
21 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
22 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

23 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
24 provide a full response until after further discovery is conducted.

25 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
26 assessment, or determination, which will be adjudicated only by a judge and/or jury.

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
9 documents as appropriate and, as discovery proceeds, will produce, before the close of
10 discovery in accordance with any scheduling order that the Court will issue in this case,
11 responsive and relevant documents that are neither privileged nor otherwise protected, are
12 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
13 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
14 she is willing to meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 127:**

16 All DOCUMENTS that EVIDENCE the allegation in paragraph 240 of the
17 COMPLAINT that "each of the individuals names as Defendants (Adam Alper, Michael De
18 Vries, Akshay Deoras, Leslie Schmidt, and Mark Fahey...were owners of Kirkland and
19 managed its operations".

20 **RESPONSE TO REQUEST FOR PRODUCTION 127:**

21 In addition to the foregoing General Objections, each of which is specifically
22 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
23 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
24 calculated to lead to the discovery of admissible evidence and that is not proportional to the
25 needs of this case, and as seeking discovery outside the permissible scope under the Federal
26 Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably

1 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
2 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
3 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
4 stored information from sources that are not reasonably accessible because of undue burden or
5 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
6 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
7 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
8 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
9 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
10 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
11 objects to this Request to the extent it seeks production of electronically stored information in
12 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See,*
13 *e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
14 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
15 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
16 graphic material, however produced or reproduced and all other tangible objects, including, but
17 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
18 specified means] or other means” “and all drafts and summaries thereof” “and any
19 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
20 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
21 produced” where “a document was prepared and several copies were made or if additional
22 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
23 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
24 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
25 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
26 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
27 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not

relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent

1 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
2 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
3 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
4 and government and government agency of every nature or type”; and/or to the extent this
5 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
6 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
7 envelopes, explanatory notes or memoranda, and any other material that accompanied the
8 document(s)” and “[i]f the specific document elicited a response, that response is also to be
9 identified and produced” and “[i]f the document was itself a response, the document to which it
10 responded is also to be identified and produced.”

11 Plaintiff intends to produce electronically stored information in a reasonably usable form.

12 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
13 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
14 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
15 possession, custody, or control; and/or that is or should be available to Defendant and more
16 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

17 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
18 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
19 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
20 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
21 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
22 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
23 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
24 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
25 applicable privilege or protection, including without limitation the psychotherapist-patient
26 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
27 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
28

1 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
2 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
3 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
4 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
5 agreement among the parties. The Court has not yet entered a scheduling order in this case.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
8 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
9 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
10 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
11 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
12 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
13 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
14 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
16 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
17 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
18 seeks discovery not limited to the relevant time period regarding the facts at issue in this
19 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
20 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
22 provide a full response until after further discovery is conducted.

23 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
24 assessment, or determination, which will be adjudicated only by a judge and/or jury.

25 Subject to and without waiver of these objections and Plaintiff's General Objections,
26 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
7 documents as appropriate and, as discovery proceeds, will produce, before the close of
8 discovery in accordance with any scheduling order that the Court will issue in this case,
9 responsive and relevant documents that are neither privileged nor otherwise protected, are
10 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
11 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
12 she is willing to meet and confer regarding the scope of this Request.

13 **REQUEST FOR PRODUCTION NO. 128:**

14 All DOCUMENTS that EVIDENCE the allegation in paragraph 242 of the
15 COMPLAINT that "[e]ach Owner/Officer Defendant deliberately formed such PCs (essentially
16 shell companies) to facilitate operation of the entire integrated enterprise, to the benefit of the
17 Owner/Officer Defendants and Kirkland".

18 **RESPONSE TO REQUEST FOR PRODUCTION 128:**

19 In addition to the foregoing General Objections, each of which is specifically
20 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
21 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
22 calculated to lead to the discovery of admissible evidence and that is not proportional to the
23 needs of this case, and as seeking discovery outside the permissible scope under the Federal
24 Rules and/or other applicable law.

25 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
26 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
27 and/or other applicable law to the extent this Request seeks discovery that is cumulative or

1 duplicative of discovery sought in other Requests, including Requests regarding defamation,
 2 discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
 3 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 4 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
 5 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 6 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 7 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 8 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 9 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 10 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
 11 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
 12 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

13 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 14 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 15 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 16 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 17 production of electronically stored information, to the extent this Request seeks “[a]ll”
 18 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 19 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 21 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 22 objects to this Request to the extent it seeks production of electronically stored information
 23 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 24 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 25 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 26 it seeks production of electronically stored information that is unreasonably cumulative or
 27 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it

1 seeks production of electronically stored information that is or can be obtained from some other
2 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
3 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
4 production of electronically stored information that exceeds the scope of discovery permitted by
5 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
6 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
7 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
8 considering the importance of the issues at stake in the action, the amount in controversy, the
9 parties' relative access to relevant information, including Kirkland's access to relevant
10 information because relevant information sought is or should be in Kirkland's possession,
11 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
12 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
13 the at most de minimis importance of cumulative and duplicative discovery requested ad
14 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
15 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
16 this Request to the extent it seeks production of electronically stored information that is not in
17 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or that is or should be available to Defendant
19 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff further objects to this Request because it seeks production of electronically
21 stored information, including seeking discovery of duplicative and/or cumulative electronically
22 stored information, including without limitation to the extent this Request seeks "[a]ll"
23 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
24 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
25 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
26 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
27 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
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1 stored information from sources that are not reasonably accessible because of undue burden or
2 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
3 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
4 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
5 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
6 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
7 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
8 objects to this Request to the extent it seeks production of electronically stored information in
9 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
10 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
11 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
12 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
13 graphic material, however produced or reproduced and all other tangible objects, including, but
14 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
15 specified means] or other means” “and all drafts and summaries thereof” “and any
16 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
17 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
18 produced” where “a document was prepared and several copies were made or if additional
19 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
20 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
21 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
22 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
23 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
25 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
26 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
27 including because the sought discovery is should be in Kirkland’s or its co-defendants’

possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement,

1 and government and government agency of every nature or type”; and/or to the extent this
2 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
3 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
4 envelopes, explanatory notes or memoranda, and any other material that accompanied the
5 document(s)” and “[i]f the specific document elicited a response, that response is also to be
6 identified and produced” and “[i]f the document was itself a response, the document to which it
7 responded is also to be identified and produced.”

8 Plaintiff intends to produce electronically stored information in a reasonably usable form.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
11 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
12 possession, custody, or control; and/or that is or should be available to Defendant and more
13 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

14 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
15 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
16 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
17 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
18 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
19 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
20 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
21 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
22 applicable privilege or protection, including without limitation the psychotherapist-patient
23 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
24 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
25 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
26 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
27 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
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1 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
2 agreement among the parties. The Court has not yet entered a scheduling order in this case.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
15 seeks discovery not limited to the relevant time period regarding the facts at issue in this
16 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
17 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
19 provide a full response until after further discovery is conducted.

20 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
21 assessment, or determination, which will be adjudicated only by a judge and/or jury.

22 Subject to and without waiver of these objections and Plaintiff’s General Objections,
23 Plaintiff responds as follows:

24 The Court has not yet entered a scheduling order in this case; the Court has not set a date
25 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
26 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
27 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
28

Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 129:

All DOCUMENTS that EVIDENCE the allegation in paragraph 243 of the COMPLAINT that "Kirkland and its co-Defendants were so related, e.g., with respect to the discriminatory, retaliatory, and harassing conduct, that they formed an integrated enterprise and should be treated as a single entity for purposes of liability".

RESPONSE TO REQUEST FOR PRODUCTION 129:

See General Objection No. 12. Subject to and without waiving this or any other applicable objection, Plaintiff states that she will produce all relevant, responsive, non-privileged documents in her possession, custody, or control.

REQUEST FOR PRODUCTION NO. 130:

All DOCUMENTS that EVIDENCE the allegation in paragraph 244 of the COMPLAINT that "the operations of the individual Defendants and PC Defendants were highly interrelated with the operations of Kirkland"

RESPONSE TO REQUEST FOR PRODUCTION 130:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

1 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
3 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
5 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
6 stored information from sources that are not reasonably accessible because of undue burden or
7 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
8 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
9 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
10 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
11 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
12 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
13 objects to this Request to the extent it seeks production of electronically stored information in
14 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
15 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
16 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
17 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
18 graphic material, however produced or reproduced and all other tangible objects, including, but
19 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
20 specified means] or other means” “and all drafts and summaries thereof” “and any
21 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
22 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
23 produced” where “a document was prepared and several copies were made or if additional
24 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
25 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
26 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
27 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

1 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
3 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
4 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
5 including because the sought discovery is should be in Kirkland's or its co-defendants'
6 possession, custody, or control, the importance of the discovery sought from Plaintiff in
7 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
8 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
9 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
10 of the case, and a seeking discovery outside the scope of discovery permitted or required under
11 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
12 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
13 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
15 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
16 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
17 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
19 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
20 recorded or graphic material, however produced or reproduced and all other tangible objects,
21 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
22 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
23 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
24 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
25 produced" where "a document was prepared and several copies were made or if additional
26 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
27 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient

1 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
2 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
3 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
4 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
5 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
6 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
7 agreement among the parties. The Court has not yet entered a scheduling order in this case.

8 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
9 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
10 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
11 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
12 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
13 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
15 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
16 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
17 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
18 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
19 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
20 seeks discovery not limited to the relevant time period regarding the facts at issue in this
21 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
22 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

23 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
24 provide a full response until after further discovery is conducted.

25 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
26 assessment, or determination, which will be adjudicated only by a judge and/or jury.

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
9 documents as appropriate and, as discovery proceeds, will produce, before the close of
10 discovery in accordance with any scheduling order that the Court will issue in this case,
11 responsive and relevant documents that are neither privileged nor otherwise protected, are
12 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
13 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
14 she is willing to meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 131:**

16 All DOCUMENTS that EVIDENCE the allegation in paragraph 245 of the
17 COMPLAINT that "Individual Defendants, PC Defendants, and Kirkland shared common
18 management".

19 **RESPONSE TO REQUEST FOR PRODUCTION 131:**

20 In addition to the foregoing General Objections, each of which is specifically
21 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
22 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
23 calculated to lead to the discovery of admissible evidence and that is not proportional to the
24 needs of this case, and as seeking discovery outside the permissible scope under the Federal
25 Rules and/or other applicable law.

26 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
27 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or

1 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
2 seeks production of electronically stored information that is or can be obtained from some other
3 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
4 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
5 production of electronically stored information that exceeds the scope of discovery permitted by
6 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
7 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
8 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
9 considering the importance of the issues at stake in the action, the amount in controversy, the
10 parties' relative access to relevant information, including Kirkland's access to relevant
11 information because relevant information sought is or should be in Kirkland's possession,
12 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
13 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
14 the at most de minimis importance of cumulative and duplicative discovery requested ad
15 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
16 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
17 this Request to the extent it seeks production of electronically stored information that is not in
18 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or that is or should be available to Defendant
20 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff further objects to this Request because it seeks production of electronically
22 stored information, including seeking discovery of duplicative and/or cumulative electronically
23 stored information, including without limitation to the extent this Request seeks "[a]ll"
24 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
25 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
26 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
27 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.

34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,

including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent "YOU" and "YOUR" includes "any other PERSON representing" Plaintiff "or acting on her behalf," and/or to the extent "PERSON" means "any natural person, firm, entity, corporation,

1 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
2 and government and government agency of every nature or type”; and/or to the extent this
3 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
4 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
5 envelopes, explanatory notes or memoranda, and any other material that accompanied the
6 document(s)” and “[i]f the specific document elicited a response, that response is also to be
7 identified and produced” and “[i]f the document was itself a response, the document to which it
8 responded is also to be identified and produced.”

9 Plaintiff intends to produce electronically stored information in a reasonably usable form.

10 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
11 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
12 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
13 possession, custody, or control; and/or that is or should be available to Defendant and more
14 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

15 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
16 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
17 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
18 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
19 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
20 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
21 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
22 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
23 applicable privilege or protection, including without limitation the psychotherapist-patient
24 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
25 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
26 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
27 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert

1 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
2 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
3 agreement among the parties. The Court has not yet entered a scheduling order in this case.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
6 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
7 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
8 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
9 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
11 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
12 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
14 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
15 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
16 seeks discovery not limited to the relevant time period regarding the facts at issue in this
17 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
18 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
20 provide a full response until after further discovery is conducted.

21 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
22 assessment, or determination, which will be adjudicated only by a judge and/or jury.

23 Subject to and without waiver of these objections and Plaintiff’s General Objections,
24 Plaintiff responds as follows:

25 The Court has not yet entered a scheduling order in this case; the Court has not set a date
26 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
27 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,

and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 132:

All DOCUMENTS that EVIDENCE the allegation in paragraph 246 of the COMPLAINT that "Individual Defendants, PC Defendants, and Kirkland share centralized control of labor relations".

RESPONSE TO REQUEST FOR PRODUCTION 132:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,

1 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 2 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 3 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 4 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 5 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 6 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
 7 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
 8 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

9 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 10 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 11 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 12 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 13 production of electronically stored information, to the extent this Request seeks “[a]ll”
 14 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 15 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 17 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 18 objects to this Request to the extent it seeks production of electronically stored information
 19 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 20 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 22 it seeks production of electronically stored information that is unreasonably cumulative or
 23 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 24 seeks production of electronically stored information that is or can be obtained from some other
 25 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 26 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 27 production of electronically stored information that exceeds the scope of discovery permitted by
 28

1 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
2 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
3 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
4 considering the importance of the issues at stake in the action, the amount in controversy, the
5 parties' relative access to relevant information, including Kirkland's access to relevant
6 information because relevant information sought is or should be in Kirkland's possession,
7 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
8 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
9 the at most de minimis importance of cumulative and duplicative discovery requested ad
10 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
11 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
12 this Request to the extent it seeks production of electronically stored information that is not in
13 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
14 defendants' possession, custody, or control; and/or that is or should be available to Defendant
15 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
16 expense. Plaintiff further objects to this Request because it seeks production of electronically
17 stored information, including seeking discovery of duplicative and/or cumulative electronically
18 stored information, including without limitation to the extent this Request seeks "[a]ll"
19 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
20 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
21 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
22 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
23 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
24 stored information from sources that are not reasonably accessible because of undue burden or
25 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
26 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
27 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to

1 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
2 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
3 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
4 objects to this Request to the extent it seeks production of electronically stored information in
5 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
6 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
7 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
8 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
9 graphic material, however produced or reproduced and all other tangible objects, including, but
10 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
11 specified means] or other means" "and all drafts and summaries thereof" "and any
12 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
13 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
14 produced" where "a document was prepared and several copies were made or if additional
15 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
16 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
17 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or are or should be available to Defendant and
19 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
21 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
22 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
23 including because the sought discovery is should be in Kirkland's or its co-defendants'
24 possession, custody, or control, the importance of the discovery sought from Plaintiff in
25 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
26 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
27 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs

1 of the case, and a seeking discovery outside the scope of discovery permitted or required under
2 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
3 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
4 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
5 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
6 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
7 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
8 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
9 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
10 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
11 recorded or graphic material, however produced or reproduced and all other tangible objects,
12 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
13 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
14 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
15 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
16 produced” where “a document was prepared and several copies were made or if additional
17 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
18 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
19 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
20 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
21 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
22 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
23 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
24 and government and government agency of every nature or type”; and/or to the extent this
25 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
26 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
27 envelopes, explanatory notes or memoranda, and any other material that accompanied the

document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll

DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature to the extent Plaintiff cannot provide a full response until after further discovery is conducted.

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case,

responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 133:

All DOCUMENTS that EVIDENCE the allegation in paragraph 247 of the COMPLAINT that "Individual Defendants, PC Defendants, and Kirkland shared common ownership".

RESPONSE TO REQUEST FOR PRODUCTION 133:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and

incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant

1 information because relevant information sought is or should be in Kirkland's possession,
2 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
3 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
4 the at most de minimis importance of cumulative and duplicative discovery requested ad
5 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
6 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
7 this Request to the extent it seeks production of electronically stored information that is not in
8 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
9 defendants' possession, custody, or control; and/or that is or should be available to Defendant
10 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
11 expense. Plaintiff further objects to this Request because it seeks production of electronically
12 stored information, including seeking discovery of duplicative and/or cumulative electronically
13 stored information, including without limitation to the extent this Request seeks "[a]ll"
14 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
15 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
16 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
17 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
18 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
19 stored information from sources that are not reasonably accessible because of undue burden or
20 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
21 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
22 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
23 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
24 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
25 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
26 objects to this Request to the extent it seeks production of electronically stored information in
27 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See,*

1 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
2 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
3 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
4 graphic material, however produced or reproduced and all other tangible objects, including, but
5 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
6 specified means] or other means” “and all drafts and summaries thereof” “and any
7 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
8 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
9 produced” where “a document was prepared and several copies were made or if additional
10 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
11 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
12 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
13 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
14 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
15 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
16 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
17 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
18 including because the sought discovery is should be in Kirkland’s or its co-defendants’
19 possession, custody, or control, the importance of the discovery sought from Plaintiff in
20 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
21 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
22 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
23 of the case, and a seeking discovery outside the scope of discovery permitted or required under
24 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
25 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
26 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
27 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).

1 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
2 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
3 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
4 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
5 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
6 recorded or graphic material, however produced or reproduced and all other tangible objects,
7 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
8 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
9 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
10 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
11 produced” where “a document was prepared and several copies were made or if additional
12 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
13 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
14 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
15 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
16 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
17 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
18 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
19 and government and government agency of every nature or type”; and/or to the extent this
20 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
21 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
22 envelopes, explanatory notes or memoranda, and any other material that accompanied the
23 document(s)” and “[i]f the specific document elicited a response, that response is also to be
24 identified and produced” and “[i]f the document was itself a response, the document to which it
25 responded is also to be identified and produced.”

26 Plaintiff intends to produce electronically stored information in a reasonably usable form.
27
28

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 2 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
 3 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
 4 possession, custody, or control; and/or that is or should be available to Defendant and more
 5 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

6 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
 7 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
 8 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
 9 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
 10 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
 11 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
 12 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
 13 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
 14 applicable privilege or protection, including without limitation the psychotherapist-patient
 15 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
 16 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
 17 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
 18 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
 19 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
 20 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
 21 agreement among the parties. The Court has not yet entered a scheduling order in this case.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 23 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
 24 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
 25 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
 26 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
 27 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

1 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
2 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
3 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
4 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
5 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
6 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
7 seeks discovery not limited to the relevant time period regarding the facts at issue in this
8 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
9 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

10 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
11 provide a full response until after further discovery is conducted.

12 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
13 assessment, or determination, which will be adjudicated only by a judge and/or jury.

14 Subject to and without waiver of these objections and Plaintiff’s General Objections,
15 Plaintiff responds as follows:

16 The Court has not yet entered a scheduling order in this case; the Court has not set a date
17 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
18 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
19 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
20 Request as this action and discovery proceed. Subject to the foregoing objections and to the
21 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
22 documents as appropriate and, as discovery proceeds, will produce, before the close of
23 discovery in accordance with any scheduling order that the Court will issue in this case,
24 responsive and relevant documents that are neither privileged nor otherwise protected, are
25 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
26 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
27 she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 134:

All DOCUMENTS that EVIDENCE the allegation in paragraph 249 of the COMPLAINT that KIRKLAND's "co-Defendants jointly employed at least 15 or more individuals...on each working day in each of 20 or more calendar weeks in each of 2020, 2021, and 2022"

RESPONSE TO REQUEST FOR PRODUCTION 134:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
2 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
3 recorded or graphic material, however produced or reproduced and all other tangible objects,
4 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
5 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
6 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
7 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
10 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
11 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
12 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
13 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
14 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
15 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
16 and government and government agency of every nature or type”; and/or to the extent this
17 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
18 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
19 envelopes, explanatory notes or memoranda, and any other material that accompanied the
20 document(s)” and “[i]f the specific document elicited a response, that response is also to be
21 identified and produced” and “[i]f the document was itself a response, the document to which it
22 responded is also to be identified and produced.”

23 Plaintiff intends to produce electronically stored information in a reasonably usable form.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
26 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
27

possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
2 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
3 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
4 seeks discovery not limited to the relevant time period regarding the facts at issue in this
5 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
6 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

7 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
8 provide a full response until after further discovery is conducted.

9 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
10 assessment, or determination, which will be adjudicated only by a judge and/or jury.

11 Subject to and without waiver of these objections and Plaintiff’s General Objections,
12 Plaintiff responds as follows:

13 The Court has not yet entered a scheduling order in this case; the Court has not set a date
14 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
15 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
16 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
17 Request as this action and discovery proceed. Subject to the foregoing objections and to the
18 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
19 documents as appropriate and, as discovery proceeds, will produce, before the close of
20 discovery in accordance with any scheduling order that the Court will issue in this case,
21 responsive and relevant documents that are neither privileged nor otherwise protected, are
22 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
23 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
24 she is willing to meet and confer regarding the scope of this Request.

25 **REQUEST FOR PRODUCTION NO. 135:**

26 All DOCUMENTS that EVIDENCE the allegations in paragraph 250 of the
27 COMPLAINT that “[e]ach Defendant had the right to control when, where, and how Plaintiff

1 performed her job”; that “[e]ach Defendant had a continuing relationship with Plaintiff”; that
2 “[e]ach Defendant had the right to assign additional projects to Plaintiff”; that “[e]ach
3 Defendant set the hours of work and the duration of the assignment and matters on which
4 Plaintiff worked and of Plaintiff’s job”; that [e]ach Defendant was in the same business”; that
5 [e]ach Defendant did and could discharge Plaintiff”; that “[e]ach Defendant intended to create
6 an employer-employee relationship with Plaintiff”; that “Plaintiff believed she and each
7 Defendant were creating an employer-employee relationship”; and that “[e]ach Defendant
8 furnished tools, materials, and equipment”.

9 **RESPONSE TO REQUEST FOR PRODUCTION 135:**

10 In addition to the foregoing General Objections, each of which is specifically
11 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
12 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
13 calculated to lead to the discovery of admissible evidence and that is not proportional to the
14 needs of this case, and as seeking discovery outside the permissible scope under the Federal
15 Rules and/or other applicable law.

16 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
17 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
18 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
19 duplicative of discovery sought in other Requests, including Requests regarding defamation,
20 discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
21 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
22 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
23 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
24 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
25 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
26 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
27 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and

incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant

1 information because relevant information sought is or should be in Kirkland's possession,
2 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
3 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
4 the at most de minimis importance of cumulative and duplicative discovery requested ad
5 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
6 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
7 this Request to the extent it seeks production of electronically stored information that is not in
8 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
9 defendants' possession, custody, or control; and/or that is or should be available to Defendant
10 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
11 expense. Plaintiff further objects to this Request because it seeks production of electronically
12 stored information, including seeking discovery of duplicative and/or cumulative electronically
13 stored information, including without limitation to the extent this Request seeks "[a]ll"
14 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
15 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
16 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
17 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
18 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
19 stored information from sources that are not reasonably accessible because of undue burden or
20 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
21 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
22 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
23 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
24 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
25 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
26 objects to this Request to the extent it seeks production of electronically stored information in
27 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See,*

1 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
2 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
3 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
4 graphic material, however produced or reproduced and all other tangible objects, including, but
5 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
6 specified means] or other means” “and all drafts and summaries thereof” “and any
7 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
8 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
9 produced” where “a document was prepared and several copies were made or if additional
10 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
11 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
12 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
13 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
14 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
15 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
16 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
17 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
18 including because the sought discovery is should be in Kirkland’s or its co-defendants’
19 possession, custody, or control, the importance of the discovery sought from Plaintiff in
20 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
21 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
22 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
23 of the case, and a seeking discovery outside the scope of discovery permitted or required under
24 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
25 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
26 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
27 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).

1 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
2 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
3 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
4 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
5 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
6 recorded or graphic material, however produced or reproduced and all other tangible objects,
7 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
8 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
9 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
10 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
11 produced” where “a document was prepared and several copies were made or if additional
12 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
13 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
14 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
15 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
16 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
17 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
18 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
19 and government and government agency of every nature or type”; and/or to the extent this
20 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
21 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
22 envelopes, explanatory notes or memoranda, and any other material that accompanied the
23 document(s)” and “[i]f the specific document elicited a response, that response is also to be
24 identified and produced” and “[i]f the document was itself a response, the document to which it
25 responded is also to be identified and produced.”

26 Plaintiff intends to produce electronically stored information in a reasonably usable form.
27
28

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
3 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
4 possession, custody, or control; and/or that is or should be available to Defendant and more
5 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

6 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
7 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
8 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
9 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
10 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
11 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
12 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
13 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
14 applicable privilege or protection, including without limitation the psychotherapist-patient
15 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
16 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
17 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
18 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
19 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
20 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
21 agreement among the parties. The Court has not yet entered a scheduling order in this case.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
24 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
25 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
26 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
27 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

1 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
2 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
3 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
4 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
5 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
6 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
7 seeks discovery not limited to the relevant time period regarding the facts at issue in this
8 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
9 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

10 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
11 provide a full response until after further discovery is conducted.

12 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
13 assessment, or determination, which will be adjudicated only by a judge and/or jury.

14 Subject to and without waiver of these objections and Plaintiff’s General Objections,
15 Plaintiff responds as follows:

16 The Court has not yet entered a scheduling order in this case; the Court has not set a date
17 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
18 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
19 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
20 Request as this action and discovery proceed. Subject to the foregoing objections and to the
21 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
22 documents as appropriate and, as discovery proceeds, will produce, before the close of
23 discovery in accordance with any scheduling order that the Court will issue in this case,
24 responsive and relevant documents that are neither privileged nor otherwise protected, are
25 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
26 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
27 she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 136:

All DOCUMENTS that EVIDENCE the allegation in paragraph 280-87 of the COMPLAINT that “Defendants had a high degree of common control and/or financial management”.

RESPONSE TO REQUEST FOR PRODUCTION 136:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
3 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
4 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
5 production of electronically stored information, to the extent this Request seeks “[a]ll”
6 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
7 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
9 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
10 objects to this Request to the extent it seeks production of electronically stored information
11 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
12 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
14 it seeks production of electronically stored information that is unreasonably cumulative or
15 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
16 seeks production of electronically stored information that is or can be obtained from some other
17 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
18 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
19 production of electronically stored information that exceeds the scope of discovery permitted by
20 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
21 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
22 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
23 considering the importance of the issues at stake in the action, the amount in controversy, the
24 parties’ relative access to relevant information, including Kirkland’s access to relevant
25 information because relevant information sought is or should be in Kirkland’s possession,
26 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
27 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
2 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
3 recorded or graphic material, however produced or reproduced and all other tangible objects,
4 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
5 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
6 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
7 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
10 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
11 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
12 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
13 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
14 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
15 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
16 and government and government agency of every nature or type”; and/or to the extent this
17 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
18 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
19 envelopes, explanatory notes or memoranda, and any other material that accompanied the
20 document(s)” and “[i]f the specific document elicited a response, that response is also to be
21 identified and produced” and “[i]f the document was itself a response, the document to which it
22 responded is also to be identified and produced.”

23 Plaintiff intends to produce electronically stored information in a reasonably usable form.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
26 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
27

1 possession, custody, or control; and/or that is or should be available to Defendant and more
2 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

3 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
4 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
5 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
6 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
7 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
8 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
9 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
10 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
11 applicable privilege or protection, including without limitation the psychotherapist-patient
12 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
13 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
14 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
15 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
16 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
17 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
18 agreement among the parties. The Court has not yet entered a scheduling order in this case.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
21 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
22 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
23 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
24 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
25 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
26 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
27 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
28

Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature to the extent Plaintiff cannot provide a full response until after further discovery is conducted.

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 137:

All DOCUMENTS that EVIDENCE the allegation in paragraph 288 of the COMPLAINT that “[e]ach Defendant knew or should have known of its co-Defendants

discriminatory, retaliatory, and/or harassing conduct but failed to undertake prompt corrective measures within his/her/its/their control”.

RESPONSE TO REQUEST FOR PRODUCTION 137:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in

the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to

1 this Request to the extent it seeks production of electronically stored information that is not in
 2 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 3 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 4 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 5 expense. Plaintiff further objects to this Request because it seeks production of electronically
 6 stored information, including seeking discovery of duplicative and/or cumulative electronically
 7 stored information, including without limitation to the extent this Request seeks "[a]ll"
 8 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 9 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
 10 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 11 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 12 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 13 stored information from sources that are not reasonably accessible because of undue burden or
 14 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 15 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 16 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
 17 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
 18 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
 19 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
 20 objects to this Request to the extent it seeks production of electronically stored information in
 21 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
 22 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
 23 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 24 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 25 graphic material, however produced or reproduced and all other tangible objects, including, but
 26 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 27 specified means] or other means" "and all drafts and summaries thereof" "and any

DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects,

1 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
2 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
3 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
4 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
5 produced” where “a document was prepared and several copies were made or if additional
6 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
7 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
8 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
9 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
10 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
11 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
12 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
13 and government and government agency of every nature or type”; and/or to the extent this
14 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
15 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
16 envelopes, explanatory notes or memoranda, and any other material that accompanied the
17 document(s)” and “[i]f the specific document elicited a response, that response is also to be
18 identified and produced” and “[i]f the document was itself a response, the document to which it
19 responded is also to be identified and produced.”

20 Plaintiff intends to produce electronically stored information in a reasonably usable form.

21 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
22 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
23 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
24 possession, custody, or control; and/or that is or should be available to Defendant and more
25 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

26 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
27 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is

1 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
2 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
3 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
4 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
5 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
6 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
7 applicable privilege or protection, including without limitation the psychotherapist-patient
8 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
9 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
10 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
11 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
12 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
13 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
14 agreement among the parties. The Court has not yet entered a scheduling order in this case.

15 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
16 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
17 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
18 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
19 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
20 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
22 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
23 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
25 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
26 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
27 seeks discovery not limited to the relevant time period regarding the facts at issue in this

litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature to the extent Plaintiff cannot provide a full response until after further discovery is conducted.

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff's General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 138:

All DOCUMENTS that EVIDENCE the allegations in paragraphs 290-96 of the COMPLAINT that "Kirkland and Mr. Alper are covered under the Federal EPA".

RESPONSE TO REQUEST FOR PRODUCTION 138:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably

1 calculated to lead to the discovery of admissible evidence and that is not proportional to the
 2 needs of this case, and as seeking discovery outside the permissible scope under the Federal
 3 Rules and/or other applicable law.

4 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 5 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 6 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 7 duplicative of discovery sought in other Requests, including Requests regarding defamation,
 8 discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*,
 9 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 10 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
 11 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 12 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 13 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 14 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 15 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 16 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
 17 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
 18 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 20 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 21 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 22 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 23 production of electronically stored information, to the extent this Request seeks “[a]ll”
 24 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 25 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 27 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 28

objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically

1 stored information, including without limitation to the extent this Request seeks “[a]ll”
2 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
3 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
4 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
5 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
6 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
7 stored information from sources that are not reasonably accessible because of undue burden or
8 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
9 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
10 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
11 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
12 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
13 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
14 objects to this Request to the extent it seeks production of electronically stored information in
15 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
16 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
17 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
18 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
19 graphic material, however produced or reproduced and all other tangible objects, including, but
20 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
21 specified means] or other means” “and all drafts and summaries thereof” “and any
22 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
23 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
24 produced” where “a document was prepared and several copies were made or if additional
25 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
26 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
27 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-

1 defendants' possession, custody, or control; and/or are or should be available to Defendant and
2 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
3 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
4 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
5 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
6 including because the sought discovery is should be in Kirkland's or its co-defendants'
7 possession, custody, or control, the importance of the discovery sought from Plaintiff in
8 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
9 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
10 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
11 of the case, and a seeking discovery outside the scope of discovery permitted or required under
12 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
13 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
14 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
16 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
17 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
18 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
19 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
20 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
21 recorded or graphic material, however produced or reproduced and all other tangible objects,
22 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
23 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
24 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
25 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
26 produced" where "a document was prepared and several copies were made or if additional
27 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing

1 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
2 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
3 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
4 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
5 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
6 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
7 and government and government agency of every nature or type”; and/or to the extent this
8 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
9 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
10 envelopes, explanatory notes or memoranda, and any other material that accompanied the
11 document(s)” and “[i]f the specific document elicited a response, that response is also to be
12 identified and produced” and “[i]f the document was itself a response, the document to which it
13 responded is also to be identified and produced.”

14 Plaintiff intends to produce electronically stored information in a reasonably usable form.

15 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
16 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
17 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
18 possession, custody, or control; and/or that is or should be available to Defendant and more
19 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

20 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
21 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
22 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
23 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
24 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
25 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
26 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
27 attorney-client privilege, that constitutes attorney work product, or that is protected by any other

1 applicable privilege or protection, including without limitation the psychotherapist-patient
2 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
3 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
4 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
5 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
6 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
7 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
8 agreement among the parties. The Court has not yet entered a scheduling order in this case.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
11 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
12 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
13 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
14 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
16 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
17 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
19 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
20 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
21 seeks discovery not limited to the relevant time period regarding the facts at issue in this
22 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
23 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
25 provide a full response until after further discovery is conducted.

26 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
27 assessment, or determination, which will be adjudicated only by a judge and/or jury.

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
9 documents as appropriate and, as discovery proceeds, will produce, before the close of
10 discovery in accordance with any scheduling order that the Court will issue in this case,
11 responsive and relevant documents that are neither privileged nor otherwise protected, are
12 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
13 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
14 she is willing to meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 139:**

16 All DOCUMENTS that EVIDENCE the allegation in paragraph 300 of the
17 COMPLAINT that "each Defendant is liable under the San Francisco Ordinance".

18 **RESPONSE TO REQUEST FOR PRODUCTION 139:**

19 In addition to the foregoing General Objections, each of which is specifically
20 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
21 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
22 calculated to lead to the discovery of admissible evidence and that is not proportional to the
23 needs of this case, and as seeking discovery outside the permissible scope under the Federal
24 Rules and/or other applicable law.

25 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
26 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
27 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
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1 duplicative of discovery sought in other Requests, including Requests regarding defamation,
 2 discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*,
 3 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 4 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
 5 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 6 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 7 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 8 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 9 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 10 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
 11 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
 12 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

13 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 14 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 15 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 16 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 17 production of electronically stored information, to the extent this Request seeks “[a]ll”
 18 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 19 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 21 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 22 objects to this Request to the extent it seeks production of electronically stored information
 23 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 24 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 25 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 26 it seeks production of electronically stored information that is unreasonably cumulative or
 27 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it

1 seeks production of electronically stored information that is or can be obtained from some other
2 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
3 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
4 production of electronically stored information that exceeds the scope of discovery permitted by
5 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
6 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
7 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
8 considering the importance of the issues at stake in the action, the amount in controversy, the
9 parties' relative access to relevant information, including Kirkland's access to relevant
10 information because relevant information sought is or should be in Kirkland's possession,
11 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
12 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
13 the at most de minimis importance of cumulative and duplicative discovery requested ad
14 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
15 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
16 this Request to the extent it seeks production of electronically stored information that is not in
17 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or that is or should be available to Defendant
19 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff further objects to this Request because it seeks production of electronically
21 stored information, including seeking discovery of duplicative and/or cumulative electronically
22 stored information, including without limitation to the extent this Request seeks "[a]ll"
23 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
24 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
25 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
26 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
27 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
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1 stored information from sources that are not reasonably accessible because of undue burden or
2 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
3 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
4 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
5 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
6 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
7 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
8 objects to this Request to the extent it seeks production of electronically stored information in
9 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
10 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
11 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
12 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
13 graphic material, however produced or reproduced and all other tangible objects, including, but
14 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
15 specified means] or other means” “and all drafts and summaries thereof” “and any
16 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
17 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
18 produced” where “a document was prepared and several copies were made or if additional
19 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
20 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
21 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
22 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
23 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
25 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
26 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
27 including because the sought discovery is should be in Kirkland’s or its co-defendants’

possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement,

1 and government and government agency of every nature or type”; and/or to the extent this
2 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
3 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
4 envelopes, explanatory notes or memoranda, and any other material that accompanied the
5 document(s)” and “[i]f the specific document elicited a response, that response is also to be
6 identified and produced” and “[i]f the document was itself a response, the document to which it
7 responded is also to be identified and produced.”

8 Plaintiff intends to produce electronically stored information in a reasonably usable form.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
11 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
12 possession, custody, or control; and/or that is or should be available to Defendant and more
13 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

14 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
15 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
16 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
17 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
18 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
19 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
20 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
21 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
22 applicable privilege or protection, including without limitation the psychotherapist-patient
23 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
24 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
25 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
26 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
27 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
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1 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
2 agreement among the parties. The Court has not yet entered a scheduling order in this case.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
15 seeks discovery not limited to the relevant time period regarding the facts at issue in this
16 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
17 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
19 provide a full response until after further discovery is conducted.

20 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
21 assessment, or determination, which will be adjudicated only by a judge and/or jury.

22 Subject to and without waiver of these objections and Plaintiff’s General Objections,
23 Plaintiff responds as follows:

24 The Court has not yet entered a scheduling order in this case; the Court has not set a date
25 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
26 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
27 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
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Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 140:

All DOCUMENTS that EVIDENCE the allegations in paragraph 302 of the COMPLAINT that "In violation of Title VII, Defendants discharged Plaintiff and discriminated against Plaintiff with respect to compensation, terms, conditions, and privileges of employment because of sex."

RESPONSE TO REQUEST FOR PRODUCTION 140:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,

1 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 2 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 3 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 4 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 5 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 6 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
 7 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
 8 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

9 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 10 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 11 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 12 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 13 production of electronically stored information, to the extent this Request seeks “[a]ll”
 14 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 15 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 17 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 18 objects to this Request to the extent it seeks production of electronically stored information
 19 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 20 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 22 it seeks production of electronically stored information that is unreasonably cumulative or
 23 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 24 seeks production of electronically stored information that is or can be obtained from some other
 25 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 26 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 27 production of electronically stored information that exceeds the scope of discovery permitted by
 28

1 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
2 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
3 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
4 considering the importance of the issues at stake in the action, the amount in controversy, the
5 parties' relative access to relevant information, including Kirkland's access to relevant
6 information because relevant information sought is or should be in Kirkland's possession,
7 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
8 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
9 the at most de minimis importance of cumulative and duplicative discovery requested ad
10 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
11 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
12 this Request to the extent it seeks production of electronically stored information that is not in
13 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
14 defendants' possession, custody, or control; and/or that is or should be available to Defendant
15 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
16 expense. Plaintiff further objects to this Request because it seeks production of electronically
17 stored information, including seeking discovery of duplicative and/or cumulative electronically
18 stored information, including without limitation to the extent this Request seeks "[a]ll"
19 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
20 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
21 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
22 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
23 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
24 stored information from sources that are not reasonably accessible because of undue burden or
25 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
26 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
27 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to

1 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
2 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
3 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
4 objects to this Request to the extent it seeks production of electronically stored information in
5 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
6 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
7 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
8 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
9 graphic material, however produced or reproduced and all other tangible objects, including, but
10 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
11 specified means] or other means" "and all drafts and summaries thereof" "and any
12 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
13 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
14 produced" where "a document was prepared and several copies were made or if additional
15 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
16 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
17 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or are or should be available to Defendant and
19 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
21 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
22 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
23 including because the sought discovery is should be in Kirkland's or its co-defendants'
24 possession, custody, or control, the importance of the discovery sought from Plaintiff in
25 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
26 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
27 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs

1 of the case, and a seeking discovery outside the scope of discovery permitted or required under
2 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
3 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
4 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
5 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
6 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
7 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
8 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
9 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
10 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
11 recorded or graphic material, however produced or reproduced and all other tangible objects,
12 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
13 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
14 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
15 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
16 produced” where “a document was prepared and several copies were made or if additional
17 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
18 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
19 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
20 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
21 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
22 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
23 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
24 and government and government agency of every nature or type”; and/or to the extent this
25 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
26 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
27 envelopes, explanatory notes or memoranda, and any other material that accompanied the

document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll

DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature to the extent Plaintiff cannot provide a full response until after further discovery is conducted.

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case,

responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 141:

All DOCUMENTS that EVIDENCE the allegations in paragraph 313 of the COMPLAINT that "In violation of the San Francisco Ordinance, Defendants wrongfully discriminated against Plaintiff in violation of FEHA because of Plaintiff's sex."

RESPONSE TO REQUEST FOR PRODUCTION 141:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and

incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant

1 information because relevant information sought is or should be in Kirkland's possession,
2 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
3 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
4 the at most de minimis importance of cumulative and duplicative discovery requested ad
5 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
6 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
7 this Request to the extent it seeks production of electronically stored information that is not in
8 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
9 defendants' possession, custody, or control; and/or that is or should be available to Defendant
10 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
11 expense. Plaintiff further objects to this Request because it seeks production of electronically
12 stored information, including seeking discovery of duplicative and/or cumulative electronically
13 stored information, including without limitation to the extent this Request seeks "[a]ll"
14 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
15 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
16 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
17 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
18 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
19 stored information from sources that are not reasonably accessible because of undue burden or
20 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
21 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
22 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
23 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
24 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
25 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
26 objects to this Request to the extent it seeks production of electronically stored information in
27 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See,*

e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
 graphic material, however produced or reproduced and all other tangible objects, including, but
 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
 specified means] or other means” “and all drafts and summaries thereof” “and any
 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
 produced” where “a document was prepared and several copies were made or if additional
 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
 including because the sought discovery is should be in Kirkland’s or its co-defendants’
 possession, custody, or control, the importance of the discovery sought from Plaintiff in
 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
 of the case, and a seeking discovery outside the scope of discovery permitted or required under
 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).

1 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
2 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
3 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
4 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
5 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
6 recorded or graphic material, however produced or reproduced and all other tangible objects,
7 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
8 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
9 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
10 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
11 produced” where “a document was prepared and several copies were made or if additional
12 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
13 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
14 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
15 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
16 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
17 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
18 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
19 and government and government agency of every nature or type”; and/or to the extent this
20 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
21 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
22 envelopes, explanatory notes or memoranda, and any other material that accompanied the
23 document(s)” and “[i]f the specific document elicited a response, that response is also to be
24 identified and produced” and “[i]f the document was itself a response, the document to which it
25 responded is also to be identified and produced.”

26 Plaintiff intends to produce electronically stored information in a reasonably usable form.
27
28

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
3 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
4 possession, custody, or control; and/or that is or should be available to Defendant and more
5 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

6 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
7 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
8 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
9 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
10 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
11 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
12 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
13 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
14 applicable privilege or protection, including without limitation the psychotherapist-patient
15 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
16 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
17 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
18 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
19 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
20 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
21 agreement among the parties. The Court has not yet entered a scheduling order in this case.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
24 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
25 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
26 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
27 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

1 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
2 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
3 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
4 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
5 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
6 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
7 seeks discovery not limited to the relevant time period regarding the facts at issue in this
8 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
9 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

10 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
11 provide a full response until after further discovery is conducted.

12 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
13 assessment, or determination, which will be adjudicated only by a judge and/or jury.

14 Subject to and without waiver of these objections and Plaintiff’s General Objections,
15 Plaintiff responds as follows:

16 The Court has not yet entered a scheduling order in this case; the Court has not set a date
17 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
18 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
19 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
20 Request as this action and discovery proceed. Subject to the foregoing objections and to the
21 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
22 documents as appropriate and, as discovery proceeds, will produce, before the close of
23 discovery in accordance with any scheduling order that the Court will issue in this case,
24 responsive and relevant documents that are neither privileged nor otherwise protected, are
25 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
26 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
27 she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 142:

All DOCUMENTS that EVIDENCE the allegations in paragraph 321 of the COMPLAINT that “Defendants discharge Plaintiff and discriminated against Plaintiff with respect to compensation, terms, conditions, and privileges of employment wholly or partially because of sex.”

RESPONSE TO REQUEST FOR PRODUCTION 142:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
3 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
4 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
5 production of electronically stored information, to the extent this Request seeks “[a]ll”
6 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
7 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
9 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
10 objects to this Request to the extent it seeks production of electronically stored information
11 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
12 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
14 it seeks production of electronically stored information that is unreasonably cumulative or
15 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
16 seeks production of electronically stored information that is or can be obtained from some other
17 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
18 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
19 production of electronically stored information that exceeds the scope of discovery permitted by
20 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
21 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
22 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
23 considering the importance of the issues at stake in the action, the amount in controversy, the
24 parties’ relative access to relevant information, including Kirkland’s access to relevant
25 information because relevant information sought is or should be in Kirkland’s possession,
26 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
27 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
2 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
3 recorded or graphic material, however produced or reproduced and all other tangible objects,
4 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
5 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
6 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
7 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
10 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
11 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
12 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
13 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
14 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
15 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
16 and government and government agency of every nature or type”; and/or to the extent this
17 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
18 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
19 envelopes, explanatory notes or memoranda, and any other material that accompanied the
20 document(s)” and “[i]f the specific document elicited a response, that response is also to be
21 identified and produced” and “[i]f the document was itself a response, the document to which it
22 responded is also to be identified and produced.”

23 Plaintiff intends to produce electronically stored information in a reasonably usable form.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
26 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
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1 possession, custody, or control; and/or that is or should be available to Defendant and more
2 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

3 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
4 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
5 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
6 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
7 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
8 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
9 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
10 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
11 applicable privilege or protection, including without limitation the psychotherapist-patient
12 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
13 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
14 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
15 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
16 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
17 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
18 agreement among the parties. The Court has not yet entered a scheduling order in this case.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
21 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
22 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
23 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
24 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
25 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
26 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
27 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
28

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
2 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
3 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
4 seeks discovery not limited to the relevant time period regarding the facts at issue in this
5 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
6 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

7 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
8 provide a full response until after further discovery is conducted.

9 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
10 assessment, or determination, which will be adjudicated only by a judge and/or jury.

11 Subject to and without waiver of these objections and Plaintiff’s General Objections,
12 Plaintiff responds as follows:

13 The Court has not yet entered a scheduling order in this case; the Court has not set a date
14 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
15 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
16 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
17 Request as this action and discovery proceed. Subject to the foregoing objections and to the
18 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
19 documents as appropriate and, as discovery proceeds, will produce, before the close of
20 discovery in accordance with any scheduling order that the Court will issue in this case,
21 responsive and relevant documents that are neither privileged nor otherwise protected, are
22 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
23 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
24 she is willing to meet and confer regarding the scope of this Request.

25 **REQUEST FOR PRODUCTION NO. 143:**

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1 All DOCUMENTS that EVIDENCE the allegations in paragraph 326 of the
 2 COMPLAINT that “Defendants Kirkland, Adam Alper, and Adam R. Alper, P.C. violated the
 3 Federal EPA by discriminating against Plaintiff with respect to pay because of her sex.”

4 **RESPONSE TO REQUEST FOR PRODUCTION 143:**

5 In addition to the foregoing General Objections, each of which is specifically
 6 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 7 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
 8 calculated to lead to the discovery of admissible evidence and that is not proportional to the
 9 needs of this case, and as seeking discovery outside the permissible scope under the Federal
 10 Rules and/or other applicable law.

11 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 12 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 13 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 14 duplicative of discovery sought in other Requests, including Requests regarding defamation,
 15 discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
 16 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 17 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
 18 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 19 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 20 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 21 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 22 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 23 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
 24 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
 25 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

26 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 27 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

1 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
2 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
3 production of electronically stored information, to the extent this Request seeks “[a]ll”
4 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
5 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
6 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
7 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
8 objects to this Request to the extent it seeks production of electronically stored information
9 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
10 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
12 it seeks production of electronically stored information that is unreasonably cumulative or
13 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
14 seeks production of electronically stored information that is or can be obtained from some other
15 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
16 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
17 production of electronically stored information that exceeds the scope of discovery permitted by
18 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
19 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
20 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
21 considering the importance of the issues at stake in the action, the amount in controversy, the
22 parties’ relative access to relevant information, including Kirkland’s access to relevant
23 information because relevant information sought is or should be in Kirkland’s possession,
24 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
25 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
26 the at most de minimis importance of cumulative and duplicative discovery requested ad
27 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its

likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six

specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,

1 recorded or graphic material, however produced or reproduced and all other tangible objects,
2 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
3 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
4 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
5 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
8 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
9 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
10 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
11 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
12 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
13 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
14 and government and government agency of every nature or type”; and/or to the extent this
15 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
16 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
17 envelopes, explanatory notes or memoranda, and any other material that accompanied the
18 document(s)” and “[i]f the specific document elicited a response, that response is also to be
19 identified and produced” and “[i]f the document was itself a response, the document to which it
20 responded is also to be identified and produced.”

21 Plaintiff intends to produce electronically stored information in a reasonably usable form.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
24 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
25 possession, custody, or control; and/or that is or should be available to Defendant and more
26 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

1 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
2 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
3 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
4 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
5 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
6 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
7 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
8 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
9 applicable privilege or protection, including without limitation the psychotherapist-patient
10 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
11 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
12 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
13 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
14 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
15 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
16 agreement among the parties. The Court has not yet entered a scheduling order in this case.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
19 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
20 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
21 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
22 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
23 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
24 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
25 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
26 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
27 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and

1 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
2 seeks discovery not limited to the relevant time period regarding the facts at issue in this
3 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
4 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

5 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
6 provide a full response until after further discovery is conducted.

7 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
8 assessment, or determination, which will be adjudicated only by a judge and/or jury.

9 Subject to and without waiver of these objections and Plaintiff’s General Objections,
10 Plaintiff responds as follows:

11 The Court has not yet entered a scheduling order in this case; the Court has not set a date
12 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
13 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
14 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
15 Request as this action and discovery proceed. Subject to the foregoing objections and to the
16 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
17 documents as appropriate and, as discovery proceeds, will produce, before the close of
18 discovery in accordance with any scheduling order that the Court will issue in this case,
19 responsive and relevant documents that are neither privileged nor otherwise protected, are
20 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
21 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
22 she is willing to meet and confer regarding the scope of this Request.

23 **REQUEST FOR PRODUCTION NO. 144:**

24 All DOCUMENTS that EVIDENCE the allegations in paragraph 328 of the
25 COMPLAINT that “Plaintiff opposed Defendants’ employment practices made unlawful under
26 Title VII, that is, sex discrimination and sex harassment,” that “Defendants subjected Plaintiff to
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an adverse employment action, that is discharge,” and that “Plaintiff was subjected to the adverse employment action because she opposed unlawful employment practices.”

RESPONSE TO REQUEST FOR PRODUCTION 144:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in

the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to

1 this Request to the extent it seeks production of electronically stored information that is not in
 2 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 3 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 4 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 5 expense. Plaintiff further objects to this Request because it seeks production of electronically
 6 stored information, including seeking discovery of duplicative and/or cumulative electronically
 7 stored information, including without limitation to the extent this Request seeks "[a]ll"
 8 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 9 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
 10 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 11 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 12 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 13 stored information from sources that are not reasonably accessible because of undue burden or
 14 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 15 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 16 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
 17 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
 18 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
 19 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
 20 objects to this Request to the extent it seeks production of electronically stored information in
 21 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
 22 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
 23 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 24 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 25 graphic material, however produced or reproduced and all other tangible objects, including, but
 26 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 27 specified means] or other means" "and all drafts and summaries thereof" "and any

DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects,

1 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
2 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
3 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
4 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
5 produced” where “a document was prepared and several copies were made or if additional
6 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
7 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
8 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
9 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
10 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
11 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
12 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
13 and government and government agency of every nature or type”; and/or to the extent this
14 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
15 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
16 envelopes, explanatory notes or memoranda, and any other material that accompanied the
17 document(s)” and “[i]f the specific document elicited a response, that response is also to be
18 identified and produced” and “[i]f the document was itself a response, the document to which it
19 responded is also to be identified and produced.”

20 Plaintiff intends to produce electronically stored information in a reasonably usable form.

21 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
22 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
23 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
24 possession, custody, or control; and/or that is or should be available to Defendant and more
25 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

26 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
27 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is

1 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
2 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
3 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
4 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
5 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
6 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
7 applicable privilege or protection, including without limitation the psychotherapist-patient
8 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
9 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
10 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
11 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
12 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
13 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
14 agreement among the parties. The Court has not yet entered a scheduling order in this case.

15 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
16 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
17 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
18 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
19 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
20 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
22 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
23 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
25 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
26 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
27 seeks discovery not limited to the relevant time period regarding the facts at issue in this

litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature to the extent Plaintiff cannot provide a full response until after further discovery is conducted.

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff's General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 145:

All DOCUMENTS that EVIDENCE the allegations in paragraph 335 of the COMPLAINT that "Plaintiff complained of harassment and discrimination that violated FEHA," that "Defendants, including without limitation Kirkland, Mr. Deoras, and Akshay Deoras, took no action to ensure that Plaintiff was not retaliated against for having complained," and that "As a result of Defendant's action or inaction, Plaintiff was subject to additional discrimination, retaliation, and additional sex based harassment."

RESPONSE TO REQUEST FOR PRODUCTION 145:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll”

1 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
4 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information
6 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
7 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
9 it seeks production of electronically stored information that is unreasonably cumulative or
10 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
11 seeks production of electronically stored information that is or can be obtained from some other
12 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
13 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
14 production of electronically stored information that exceeds the scope of discovery permitted by
15 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
16 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
17 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
18 considering the importance of the issues at stake in the action, the amount in controversy, the
19 parties’ relative access to relevant information, including Kirkland’s access to relevant
20 information because relevant information sought is or should be in Kirkland’s possession,
21 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
22 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
23 the at most de minimis importance of cumulative and duplicative discovery requested ad
24 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
25 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
26 this Request to the extent it seeks production of electronically stored information that is not in
27 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-

1 defendants' possession, custody, or control; and/or that is or should be available to Defendant
2 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
3 expense. Plaintiff further objects to this Request because it seeks production of electronically
4 stored information, including seeking discovery of duplicative and/or cumulative electronically
5 stored information, including without limitation to the extent this Request seeks "[a]ll"
6 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
7 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
8 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
9 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
10 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
11 stored information from sources that are not reasonably accessible because of undue burden or
12 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
13 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
14 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
15 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
16 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
17 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
18 objects to this Request to the extent it seeks production of electronically stored information in
19 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See,*
20 *e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
21 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
22 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
23 graphic material, however produced or reproduced and all other tangible objects, including, but
24 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
25 specified means] or other means" "and all drafts and summaries thereof" "and any
26 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
27 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
3 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
4 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
5 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
6 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
7 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
8 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
9 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
10 including because the sought discovery is should be in Kirkland’s or its co-defendants’
11 possession, custody, or control, the importance of the discovery sought from Plaintiff in
12 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
13 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
14 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
15 of the case, and a seeking discovery outside the scope of discovery permitted or required under
16 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
17 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
18 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
20 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
21 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
22 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
24 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
25 recorded or graphic material, however produced or reproduced and all other tangible objects,
26 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
27 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and

1 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
2 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
3 produced” where “a document was prepared and several copies were made or if additional
4 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
5 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
6 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
7 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
8 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
9 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
10 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
11 and government and government agency of every nature or type”; and/or to the extent this
12 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
13 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
14 envelopes, explanatory notes or memoranda, and any other material that accompanied the
15 document(s)” and “[i]f the specific document elicited a response, that response is also to be
16 identified and produced” and “[i]f the document was itself a response, the document to which it
17 responded is also to be identified and produced.”

18 Plaintiff intends to produce electronically stored information in a reasonably usable form.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
21 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
22 possession, custody, or control; and/or that is or should be available to Defendant and more
23 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

24 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
25 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
26 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
27 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by

Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
2 provide a full response until after further discovery is conducted.

3 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
4 assessment, or determination, which will be adjudicated only by a judge and/or jury.

5 Subject to and without waiver of these objections and Plaintiff's General Objections,
6 Plaintiff responds as follows:

7 The Court has not yet entered a scheduling order in this case; the Court has not set a date
8 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
9 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
10 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
11 Request as this action and discovery proceed. Subject to the foregoing objections and to the
12 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
13 documents as appropriate and, as discovery proceeds, will produce, before the close of
14 discovery in accordance with any scheduling order that the Court will issue in this case,
15 responsive and relevant documents that are neither privileged nor otherwise protected, are
16 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
17 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
18 she is willing to meet and confer regarding the scope of this Request.

19 **REQUEST FOR PRODUCTION NO. 146:**

20 All DOCUMENTS that EVIDENCE the allegations in paragraph 339 of the
21 COMPLAINT that "in violation of the San Francisco Ordinance, Defendants discharged
22 Plaintiff a [sic] wholly or partially because of sex."

23 **RESPONSE TO REQUEST FOR PRODUCTION 146:**

24 In addition to the foregoing General Objections, each of which is specifically
25 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
26 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
27 calculated to lead to the discovery of admissible evidence and that is not proportional to the

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

1 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
3 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
5 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
6 stored information from sources that are not reasonably accessible because of undue burden or
7 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
8 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
9 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
10 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
11 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
12 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
13 objects to this Request to the extent it seeks production of electronically stored information in
14 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
15 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
16 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
17 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
18 graphic material, however produced or reproduced and all other tangible objects, including, but
19 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
20 specified means] or other means” “and all drafts and summaries thereof” “and any
21 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
22 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
23 produced” where “a document was prepared and several copies were made or if additional
24 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
25 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
26 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
27 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

1 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
3 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
4 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
5 including because the sought discovery is should be in Kirkland's or its co-defendants'
6 possession, custody, or control, the importance of the discovery sought from Plaintiff in
7 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
8 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
9 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
10 of the case, and a seeking discovery outside the scope of discovery permitted or required under
11 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
12 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
13 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
15 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
16 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
17 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
19 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
20 recorded or graphic material, however produced or reproduced and all other tangible objects,
21 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
22 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
23 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
24 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
25 produced" where "a document was prepared and several copies were made or if additional
26 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
27 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient

1 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
2 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
3 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
4 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
5 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
6 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
7 agreement among the parties. The Court has not yet entered a scheduling order in this case.

8 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
9 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
10 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
11 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
12 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
13 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
15 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
16 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
17 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
18 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
19 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
20 seeks discovery not limited to the relevant time period regarding the facts at issue in this
21 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
22 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

23 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
24 provide a full response until after further discovery is conducted.

25 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
26 assessment, or determination, which will be adjudicated only by a judge and/or jury.

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
9 documents as appropriate and, as discovery proceeds, will produce, before the close of
10 discovery in accordance with any scheduling order that the Court will issue in this case,
11 responsive and relevant documents that are neither privileged nor otherwise protected, are
12 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
13 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
14 she is willing to meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 147:**

16 All DOCUMENT that EVIDENCE the allegations in paragraph 344 of the
17 COMPLAINT that "Plaintiff was subjected to working in a severe, persistent and/or pervasive
18 sex-based hostile work environment, which interfered with her performance, denied her
19 employment privileges, and adversely affected the terms and condition of her job on the basis of
20 her sex."

21 **RESPONSE TO REQUEST FOR PRODUCTION 147:**

22 In addition to the foregoing General Objections, each of which is specifically
23 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
24 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
25 calculated to lead to the discovery of admissible evidence and that is not proportional to the
26 needs of this case, and as seeking discovery outside the permissible scope under the Federal
27 Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably

accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not

relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent

1 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
2 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
3 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
4 and government and government agency of every nature or type”; and/or to the extent this
5 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
6 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
7 envelopes, explanatory notes or memoranda, and any other material that accompanied the
8 document(s)” and “[i]f the specific document elicited a response, that response is also to be
9 identified and produced” and “[i]f the document was itself a response, the document to which it
10 responded is also to be identified and produced.”

11 Plaintiff intends to produce electronically stored information in a reasonably usable form.

12 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
13 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
14 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
15 possession, custody, or control; and/or that is or should be available to Defendant and more
16 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

17 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
18 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
19 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
20 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
21 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
22 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
23 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
24 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
25 applicable privilege or protection, including without limitation the psychotherapist-patient
26 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
27 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
28

1 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
2 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
3 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
4 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
5 agreement among the parties. The Court has not yet entered a scheduling order in this case.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
8 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
9 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
10 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
11 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
12 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
13 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
14 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
16 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
17 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
18 seeks discovery not limited to the relevant time period regarding the facts at issue in this
19 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
20 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
22 provide a full response until after further discovery is conducted.

23 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
24 assessment, or determination, which will be adjudicated only by a judge and/or jury.

25 Subject to and without waiver of these objections and Plaintiff's General Objections,
26 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
7 documents as appropriate and, as discovery proceeds, will produce, before the close of
8 discovery in accordance with any scheduling order that the Court will issue in this case,
9 responsive and relevant documents that are neither privileged nor otherwise protected, are
10 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
11 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
12 she is willing to meet and confer regarding the scope of this Request.

13 **REQUEST FOR PRODUCTION NO. 148:**

14 All DOCUMENTS that EVIDENCE the allegations in paragraph 352 of the
15 COMPLAINT that Defendants, in violation of the Fair Employment and Housing Act, "failed to
16 take reasonable steps to prevent harassment, discrimination, and retaliation based on Plaintiff's
17 sex and/or gender."

18 **RESPONSE TO REQUEST FOR PRODUCTION 148:**

19 In addition to the foregoing General Objections, each of which is specifically
20 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
21 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
22 calculated to lead to the discovery of admissible evidence and that is not proportional to the
23 needs of this case, and as seeking discovery outside the permissible scope under the Federal
24 Rules and/or other applicable law.

25 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
26 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
27 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
28

1 duplicative of discovery sought in other Requests, including Requests regarding defamation,
 2 discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
 3 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 4 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
 5 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 6 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 7 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 8 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 9 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 10 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
 11 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
 12 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

13 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 14 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 15 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 16 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 17 production of electronically stored information, to the extent this Request seeks “[a]ll”
 18 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 19 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 21 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 22 objects to this Request to the extent it seeks production of electronically stored information
 23 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 24 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 25 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 26 it seeks production of electronically stored information that is unreasonably cumulative or
 27 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it

1 seeks production of electronically stored information that is or can be obtained from some other
2 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
3 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
4 production of electronically stored information that exceeds the scope of discovery permitted by
5 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
6 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
7 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
8 considering the importance of the issues at stake in the action, the amount in controversy, the
9 parties' relative access to relevant information, including Kirkland's access to relevant
10 information because relevant information sought is or should be in Kirkland's possession,
11 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
12 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
13 the at most de minimis importance of cumulative and duplicative discovery requested ad
14 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
15 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
16 this Request to the extent it seeks production of electronically stored information that is not in
17 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or that is or should be available to Defendant
19 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff further objects to this Request because it seeks production of electronically
21 stored information, including seeking discovery of duplicative and/or cumulative electronically
22 stored information, including without limitation to the extent this Request seeks "[a]ll"
23 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
24 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
25 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
26 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
27 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
28

1 stored information from sources that are not reasonably accessible because of undue burden or
 2 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
 3 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
 4 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
 5 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
 6 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
 7 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
 8 objects to this Request to the extent it seeks production of electronically stored information in
 9 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
 10 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
 11 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
 12 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
 13 graphic material, however produced or reproduced and all other tangible objects, including, but
 14 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
 15 specified means] or other means” “and all drafts and summaries thereof” “and any
 16 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
 17 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
 18 produced” where “a document was prepared and several copies were made or if additional
 19 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
 20 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
 21 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
 22 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
 23 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 24 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
 25 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
 26 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
 27 including because the sought discovery is should be in Kirkland’s or its co-defendants’

possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement,

1 and government and government agency of every nature or type”; and/or to the extent this
2 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
3 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
4 envelopes, explanatory notes or memoranda, and any other material that accompanied the
5 document(s)” and “[i]f the specific document elicited a response, that response is also to be
6 identified and produced” and “[i]f the document was itself a response, the document to which it
7 responded is also to be identified and produced.”

8 Plaintiff intends to produce electronically stored information in a reasonably usable form.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
11 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
12 possession, custody, or control; and/or that is or should be available to Defendant and more
13 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

14 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
15 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
16 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
17 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
18 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
19 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
20 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
21 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
22 applicable privilege or protection, including without limitation the psychotherapist-patient
23 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
24 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
25 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
26 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
27 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
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1 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
2 agreement among the parties. The Court has not yet entered a scheduling order in this case.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
15 seeks discovery not limited to the relevant time period regarding the facts at issue in this
16 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
17 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
19 provide a full response until after further discovery is conducted.

20 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
21 assessment, or determination, which will be adjudicated only by a judge and/or jury.

22 Subject to and without waiver of these objections and Plaintiff’s General Objections,
23 Plaintiff responds as follows:

24 The Court has not yet entered a scheduling order in this case; the Court has not set a date
25 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
26 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
27 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
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Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 149:

All DOCUMENT that EVIDENCE the allegations in paragraph 358 of the COMPLAINT that "Defendants published statements in their 'evaluations' regarding Plaintiff, each of which was false, defamatory, and unprivileged, and had a natural tendency to injure because each concerned Plaintiff's profession and practice and/or caused special damage."

RESPONSE TO REQUEST FOR PRODUCTION 149:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,

1 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
 2 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 3 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 4 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 5 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 6 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
 7 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
 8 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

9 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 10 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 11 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 12 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 13 production of electronically stored information, to the extent this Request seeks “[a]ll”
 14 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 15 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 17 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 18 objects to this Request to the extent it seeks production of electronically stored information
 19 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 20 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 22 it seeks production of electronically stored information that is unreasonably cumulative or
 23 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 24 seeks production of electronically stored information that is or can be obtained from some other
 25 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 26 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 27 production of electronically stored information that exceeds the scope of discovery permitted by
 28

1 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
2 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
3 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
4 considering the importance of the issues at stake in the action, the amount in controversy, the
5 parties' relative access to relevant information, including Kirkland's access to relevant
6 information because relevant information sought is or should be in Kirkland's possession,
7 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
8 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
9 the at most de minimis importance of cumulative and duplicative discovery requested ad
10 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
11 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
12 this Request to the extent it seeks production of electronically stored information that is not in
13 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
14 defendants' possession, custody, or control; and/or that is or should be available to Defendant
15 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
16 expense. Plaintiff further objects to this Request because it seeks production of electronically
17 stored information, including seeking discovery of duplicative and/or cumulative electronically
18 stored information, including without limitation to the extent this Request seeks "[a]ll"
19 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
20 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
21 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
22 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
23 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
24 stored information from sources that are not reasonably accessible because of undue burden or
25 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
26 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
27 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to

1 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
2 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
3 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
4 objects to this Request to the extent it seeks production of electronically stored information in
5 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
6 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
7 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
8 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
9 graphic material, however produced or reproduced and all other tangible objects, including, but
10 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
11 specified means] or other means" "and all drafts and summaries thereof" "and any
12 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
13 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
14 produced" where "a document was prepared and several copies were made or if additional
15 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
16 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
17 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or are or should be available to Defendant and
19 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
21 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
22 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
23 including because the sought discovery is should be in Kirkland's or its co-defendants'
24 possession, custody, or control, the importance of the discovery sought from Plaintiff in
25 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
26 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
27 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs

1 of the case, and a seeking discovery outside the scope of discovery permitted or required under
2 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
3 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
4 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
5 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
6 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
7 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
8 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
9 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
10 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
11 recorded or graphic material, however produced or reproduced and all other tangible objects,
12 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
13 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
14 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
15 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
16 produced” where “a document was prepared and several copies were made or if additional
17 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
18 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
19 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
20 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
21 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
22 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
23 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
24 and government and government agency of every nature or type”; and/or to the extent this
25 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
26 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
27 envelopes, explanatory notes or memoranda, and any other material that accompanied the

document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll

DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature to the extent Plaintiff cannot provide a full response until after further discovery is conducted.

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case,

responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 150:

All DOCUMENTS that EVIDENCE the allegations in paragraphs 363 and 364 of the COMPLAINT that "When Defendants failed to take corrective action, Defendants knew that Plaintiff would continue to suffer extreme emotional distress and harm as a result of their failure to act" and that "When Defendants retaliated against Plaintiff in lieu of taking corrective action in response to her April and July 2021 complaints and her post-firing October 2021 complaint, Defendants knew that Plaintiff would continue to suffer extreme emotional distress and harm as a result of their actions."

RESPONSE TO REQUEST FOR PRODUCTION 150:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules

1 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
 2 and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and
 3 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 4 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 5 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
 6 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
 7 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

8 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 9 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 10 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 11 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 12 production of electronically stored information, to the extent this Request seeks “[a]ll”
 13 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 14 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 16 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 17 objects to this Request to the extent it seeks production of electronically stored information
 18 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 19 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 21 it seeks production of electronically stored information that is unreasonably cumulative or
 22 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 23 seeks production of electronically stored information that is or can be obtained from some other
 24 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 25 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 26 production of electronically stored information that exceeds the scope of discovery permitted by
 27 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 28

1 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
2 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
3 considering the importance of the issues at stake in the action, the amount in controversy, the
4 parties' relative access to relevant information, including Kirkland's access to relevant
5 information because relevant information sought is or should be in Kirkland's possession,
6 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
7 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
8 the at most de minimis importance of cumulative and duplicative discovery requested ad
9 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
10 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
11 this Request to the extent it seeks production of electronically stored information that is not in
12 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
13 defendants' possession, custody, or control; and/or that is or should be available to Defendant
14 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
15 expense. Plaintiff further objects to this Request because it seeks production of electronically
16 stored information, including seeking discovery of duplicative and/or cumulative electronically
17 stored information, including without limitation to the extent this Request seeks "[a]ll"
18 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
19 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
20 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
21 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
22 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
23 stored information from sources that are not reasonably accessible because of undue burden or
24 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
25 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
26 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
27 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that

are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under

1 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
2 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
3 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
4 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
5 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
6 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
7 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
8 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
9 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
10 recorded or graphic material, however produced or reproduced and all other tangible objects,
11 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
12 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
13 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
14 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
15 produced” where “a document was prepared and several copies were made or if additional
16 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
17 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
18 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
19 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
20 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
21 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
22 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
23 and government and government agency of every nature or type”; and/or to the extent this
24 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
25 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
26 envelopes, explanatory notes or memoranda, and any other material that accompanied the
27 document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
10 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
11 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
12 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
13 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
14 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
15 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
16 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
17 applicable privilege or protection, including without limitation the psychotherapist-patient
18 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
19 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
20 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
21 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
22 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
23 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
24 agreement among the parties. The Court has not yet entered a scheduling order in this case.

25 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
26 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
27 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this

Request seeks discovery that is neither relevant to any party's claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature to the extent Plaintiff cannot provide a full response until after further discovery is conducted.

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff's General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are

1 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
2 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
3 she is willing to meet and confer regarding the scope of this Request.

4 **REQUEST FOR PRODUCTION NO. 151:**

5 All DOCUMENTS that EVIDENCE the allegations in paragraph 369 of the
6 COMPLAINT that "Defendants, and each of them, failed to exercise their duty of due care to
7 prevent their employees, managers, supervisors and/or officers from sex-based discriminating
8 against, retaliating against, and subjecting Plaintiff to a sex-based hostile work environment"
9 And that as a direct and consequential result of Defendants' actions, Plaintiff suffered serious
10 mental and emotional distress, includes, but is not limited to, pain, anxiety, humiliation, anger,
11 shame, embarrassment, frustration, and fear."

12 **RESPONSE TO REQUEST FOR PRODUCTION 151:**

13 In addition to the foregoing General Objections, each of which is specifically
14 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
15 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
16 calculated to lead to the discovery of admissible evidence and that is not proportional to the
17 needs of this case, and as seeking discovery outside the permissible scope under the Federal
18 Rules and/or other applicable law.

19 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
20 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
21 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
22 duplicative of discovery sought in other Requests, including Requests regarding defamation,
23 discrimination, retaliation, sex-based harassment constituting a hostile work environment, and
24 damages. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed.
25 R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
26 further objects to this Request as overly broad, unduly burdensome, and oppressive and as
27 seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

1 and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to
 2 the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
 3 DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or
 4 relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates
 5 or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 6 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 7 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

8 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 9 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 10 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 11 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 12 production of electronically stored information, to the extent this Request seeks “[a]ll”
 13 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 14 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 16 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 17 objects to this Request to the extent it seeks production of electronically stored information
 18 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 19 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 21 it seeks production of electronically stored information that is unreasonably cumulative or
 22 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 23 seeks production of electronically stored information that is or can be obtained from some other
 24 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 25 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 26 production of electronically stored information that exceeds the scope of discovery permitted by
 27 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 28

1 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
2 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
3 considering the importance of the issues at stake in the action, the amount in controversy, the
4 parties' relative access to relevant information, including Kirkland's access to relevant
5 information because relevant information sought is or should be in Kirkland's possession,
6 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
7 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
8 the at most de minimis importance of cumulative and duplicative discovery requested ad
9 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
10 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
11 this Request to the extent it seeks production of electronically stored information that is not in
12 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
13 defendants' possession, custody, or control; and/or that is or should be available to Defendant
14 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
15 expense. Plaintiff further objects to this Request because it seeks production of electronically
16 stored information, including seeking discovery of duplicative and/or cumulative electronically
17 stored information, including without limitation to the extent this Request seeks "[a]ll"
18 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
19 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
20 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
21 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
22 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
23 stored information from sources that are not reasonably accessible because of undue burden or
24 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
25 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
26 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
27 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that

are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under

1 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
2 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
3 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
4 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
5 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
6 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
7 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
8 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
9 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
10 recorded or graphic material, however produced or reproduced and all other tangible objects,
11 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
12 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
13 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
14 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
15 produced” where “a document was prepared and several copies were made or if additional
16 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
17 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
18 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
19 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
20 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
21 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
22 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
23 and government and government agency of every nature or type”; and/or to the extent this
24 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
25 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
26 envelopes, explanatory notes or memoranda, and any other material that accompanied the
27 document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
10 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
11 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
12 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
13 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
14 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
15 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
16 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
17 applicable privilege or protection, including without limitation the psychotherapist-patient
18 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
19 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
20 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
21 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
22 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
23 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
24 agreement among the parties. The Court has not yet entered a scheduling order in this case.

25 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
26 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
27 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this

Request seeks discovery that is neither relevant to any party's claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request as premature to the extent Plaintiff cannot provide a full response until after further discovery is conducted.

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff's General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are

1 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
2 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
3 she is willing to meet and confer regarding the scope of this Request.

4 **REQUEST FOR PRODUCTION NO. 152:**

5 All DOCUMENTS that EVIDENCE any filing or COMMUNICATION between
6 PLAINTIFF and any governmental agency concerning discrimination, harassment, retaliation,
7 or any inappropriate conduct, including but not limited to filings or communications between
8 PLAINTIFF and the U.S. Equal Employment Opportunity Commission and/or the California
9 Department of Fair Employment and Housing, as well as any DOCUMENTS that EVIDENCE
10 any lawsuit or complaint made by YOU against anyone within the last ten years.

11 **RESPONSE TO REQUEST FOR PRODUCTION 152:**

12 In addition to the foregoing General Objections, each of which is specifically
13 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
14 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
15 calculated to lead to the discovery of admissible evidence and that is not proportional to the
16 needs of this case, and as seeking discovery outside the permissible scope under the Federal
17 Rules and/or other applicable law.

18 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
19 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
20 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
21 duplicative of discovery sought in other Requests, including Requests regarding defamation,
22 discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,*
23 Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
24 Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome,
25 and oppressive and as seeking discovery outside the scope permissible under the Federal Rules
26 of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative
27 and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and

1 “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates
 2 or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and
 3 incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed.
 4 R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
 5 Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

6 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 7 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 8 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 9 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 10 production of electronically stored information, to the extent this Request seeks “[a]ll”
 11 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 12 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 14 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 15 objects to this Request to the extent it seeks production of electronically stored information
 16 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 17 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 18 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 19 it seeks production of electronically stored information that is unreasonably cumulative or
 20 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 21 seeks production of electronically stored information that is or can be obtained from some other
 22 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 23 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 24 production of electronically stored information that exceeds the scope of discovery permitted by
 25 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 26 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
 27 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,

1 considering the importance of the issues at stake in the action, the amount in controversy, the
2 parties' relative access to relevant information, including Kirkland's access to relevant
3 information because relevant information sought is or should be in Kirkland's possession,
4 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
5 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
6 the at most de minimis importance of cumulative and duplicative discovery requested ad
7 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
8 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
9 this Request to the extent it seeks production of electronically stored information that is not in
10 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
11 defendants' possession, custody, or control; and/or that is or should be available to Defendant
12 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
13 expense. Plaintiff further objects to this Request because it seeks production of electronically
14 stored information, including seeking discovery of duplicative and/or cumulative electronically
15 stored information, including without limitation to the extent this Request seeks "[a]ll"
16 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
17 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
18 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
19 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
20 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
21 stored information from sources that are not reasonably accessible because of undue burden or
22 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
23 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
24 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
25 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
26 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
27 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff

1 objects to this Request to the extent it seeks production of electronically stored information in
2 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
3 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
4 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
5 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
6 graphic material, however produced or reproduced and all other tangible objects, including, but
7 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
8 specified means] or other means” “and all drafts and summaries thereof” “and any
9 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
10 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
11 produced” where “a document was prepared and several copies were made or if additional
12 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
13 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
14 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
15 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
16 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
18 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
19 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
20 including because the sought discovery is should be in Kirkland’s or its co-defendants’
21 possession, custody, or control, the importance of the discovery sought from Plaintiff in
22 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
23 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
24 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
25 of the case, and a seeking discovery outside the scope of discovery permitted or required under
26 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
27 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require

1 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
3 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
4 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
5 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
7 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
8 recorded or graphic material, however produced or reproduced and all other tangible objects,
9 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
10 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
11 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
12 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
13 produced” where “a document was prepared and several copies were made or if additional
14 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
15 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
16 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
17 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
18 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
19 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
20 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
21 and government and government agency of every nature or type”; and/or to the extent this
22 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
23 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
24 envelopes, explanatory notes or memoranda, and any other material that accompanied the
25 document(s)” and “[i]f the specific document elicited a response, that response is also to be
26 identified and produced” and “[i]f the document was itself a response, the document to which it
27 responded is also to be identified and produced.”

1 Plaintiff intends to produce electronically stored information in a reasonably usable form.

2 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
3 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
4 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
5 possession, custody, or control; and/or that is or should be available to Defendant and more
6 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

7 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
8 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
9 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
10 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
11 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
12 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
13 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
14 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
15 applicable privilege or protection, including without limitation the psychotherapist-patient
16 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
17 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
18 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
19 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
20 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
21 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
22 agreement among the parties. The Court has not yet entered a scheduling order in this case.

23 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
24 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
25 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
26 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
27 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal

Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request to the extent it is premature because Plaintiff cannot provide a full response until after further discovery is conducted.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she has produced material responsive to this Request and states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 153:

All DOCUMENTS that EVIDENCE PLAINTIFF’S job duties, responsibilities and job performance at KIRKLAND.

RESPONSE TO REQUEST FOR PRODUCTION 153:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, retaliation, and damages. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

1 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
2 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
3 production of electronically stored information, to the extent this Request seeks “[a]ll”
4 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
5 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
6 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
7 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
8 objects to this Request to the extent it seeks production of electronically stored information
9 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
10 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
12 it seeks production of electronically stored information that is unreasonably cumulative or
13 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
14 seeks production of electronically stored information that is or can be obtained from some other
15 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
16 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
17 production of electronically stored information that exceeds the scope of discovery permitted by
18 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
19 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
20 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
21 considering the importance of the issues at stake in the action, the amount in controversy, the
22 parties’ relative access to relevant information, including Kirkland’s access to relevant
23 information because relevant information sought is or should be in Kirkland’s possession,
24 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
25 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
26 the at most de minimis importance of cumulative and duplicative discovery requested ad
27 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its

likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six

specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,

1 recorded or graphic material, however produced or reproduced and all other tangible objects,
2 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
3 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
4 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
5 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
8 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
9 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
10 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
11 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
12 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
13 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
14 and government and government agency of every nature or type”; and/or to the extent this
15 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
16 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
17 envelopes, explanatory notes or memoranda, and any other material that accompanied the
18 document(s)” and “[i]f the specific document elicited a response, that response is also to be
19 identified and produced” and “[i]f the document was itself a response, the document to which it
20 responded is also to be identified and produced.”

21 Plaintiff intends to produce electronically stored information in a reasonably usable form.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
24 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
25 possession, custody, or control; and/or that is or should be available to Defendant and more
26 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

1 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
 2 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
 3 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
 4 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
 5 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
 6 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
 7 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
 8 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
 9 applicable privilege or protection, including without limitation the psychotherapist-patient
 10 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
 11 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
 12 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
 13 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
 14 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
 15 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
 16 agreement among the parties. The Court has not yet entered a scheduling order in this case.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 18 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
 19 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
 20 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
 21 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
 22 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
 23 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
 24 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
 25 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
 26 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
 27 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
 28

1 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
2 seeks discovery not limited to the relevant time period regarding the facts at issue in this
3 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
4 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

5 Subject to and without waiver of these objections and Plaintiff’s General Objections,
6 Plaintiff responds as follows:

7 The Court has not yet entered a scheduling order in this case; the Court has not set a date
8 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
9 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
10 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
11 Request as this action and discovery proceed. Subject to the foregoing objections and to the
12 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
13 documents as appropriate and, as discovery proceeds, will produce, before the close of
14 discovery in accordance with any scheduling order that the Court will issue in this case,
15 responsive and relevant documents that are neither privileged nor otherwise protected, are
16 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
17 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
18 she is willing to meet and confer regarding the scope of this Request.

19 **REQUEST FOR PRODUCTION NO. 154:**

20 All DOCUMENTS that EVIDENCE any KIRKLAND policy received by YOU.

21 **RESPONSE TO REQUEST FOR PRODUCTION 154:**

22 In addition to the foregoing General Objections, each of which is specifically
23 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
24 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
25 calculated to lead to the discovery of admissible evidence and that is not proportional to the
26 needs of this case, and as seeking discovery outside the permissible scope under the Federal
27 Rules and/or other applicable law.

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 3 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 4 duplicative of discovery sought in other Requests, including Request No. 81. *See, e.g.*, Fed. R.
 5 Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed.
 6 R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as
 7 overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
 8 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
 9 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll”
 10 “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a
 11 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
 12 and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.
 13 P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R.
 14 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

15 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 16 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 17 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 18 the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to
 19 production of electronically stored information, to the extent this Request seeks “[a]ll”
 20 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 21 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
 22 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 23 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 24 objects to this Request to the extent it seeks production of electronically stored information
 25 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 26 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 27 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent

1 it seeks production of electronically stored information that is unreasonably cumulative or
2 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
3 seeks production of electronically stored information that is or can be obtained from some other
4 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
5 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
6 production of electronically stored information that exceeds the scope of discovery permitted by
7 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
8 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
9 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
10 considering the importance of the issues at stake in the action, the amount in controversy, the
11 parties' relative access to relevant information, including Kirkland's access to relevant
12 information because relevant information sought is or should be in Kirkland's possession,
13 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
14 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
15 the at most de minimis importance of cumulative and duplicative discovery requested ad
16 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
17 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
18 this Request to the extent it seeks production of electronically stored information that is not in
19 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
20 defendants' possession, custody, or control; and/or that is or should be available to Defendant
21 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
22 expense. Plaintiff further objects to this Request because it seeks production of electronically
23 stored information, including seeking discovery of duplicative and/or cumulative electronically
24 stored information, including without limitation to the extent this Request seeks "[a]ll"
25 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
26 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
27 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.

26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources

1 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
2 including because the sought discovery is should be in Kirkland’s or its co-defendants’
3 possession, custody, or control, the importance of the discovery sought from Plaintiff in
4 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
5 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
6 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
7 of the case, and a seeking discovery outside the scope of discovery permitted or required under
8 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
9 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
10 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
12 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
13 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
14 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
16 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
17 recorded or graphic material, however produced or reproduced and all other tangible objects,
18 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
19 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
20 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
21 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
22 produced” where “a document was prepared and several copies were made or if additional
23 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
24 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
25 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
26 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
27 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her

1 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
2 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
3 and government and government agency of every nature or type”; and/or to the extent this
4 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
5 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
6 envelopes, explanatory notes or memoranda, and any other material that accompanied the
7 document(s)” and “[i]f the specific document elicited a response, that response is also to be
8 identified and produced” and “[i]f the document was itself a response, the document to which it
9 responded is also to be identified and produced.”

10 Plaintiff intends to produce electronically stored information in a reasonably usable form.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
12 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
13 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
14 possession, custody, or control; and/or that is or should be available to Defendant and more
15 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

16 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
17 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
18 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
19 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
20 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
21 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
22 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
23 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
24 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
25 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
26 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
27 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks

discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff's General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 155:

All DOCUMENTS YOU have taken from the premises of KIRKLAND at any time, including but not limited to the electronic transmission of KIRKLAND DOCUMENTS to non-KIRKLAND email addresses, fax machines, cloud servers or the like.

RESPONSE TO REQUEST FOR PRODUCTION 155:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the

needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive, and as seeking discovery outside the permissible scope under the Federal Rules of Civil Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to the use of the verbiage “taken,” “from the premises,” and “or the like” and because it is not tied to claims at issue in the litigation.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Request Nos. 174 and 181. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll”

1 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
4 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information
6 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
7 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
9 it seeks production of electronically stored information that is unreasonably cumulative or
10 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
11 seeks production of electronically stored information that is or can be obtained from some other
12 source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-
13 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
14 production of electronically stored information that exceeds the scope of discovery permitted by
15 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
16 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
17 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
18 considering the importance of the issues at stake in the action, the amount in controversy, the
19 parties’ relative access to relevant information, including Kirkland’s access to relevant
20 information because relevant information sought is or should be in Kirkland’s possession,
21 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
22 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
23 the at most de minimis importance of cumulative and duplicative discovery requested ad
24 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
25 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
26 this Request to the extent it seeks production of electronically stored information that is not in
27 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-

defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
3 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
4 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
5 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
6 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
7 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
8 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
9 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
10 including because the sought discovery is should be in Kirkland’s or its co-defendants’
11 possession, custody, or control, the importance of the discovery sought from Plaintiff in
12 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
13 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
14 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
15 of the case, and a seeking discovery outside the scope of discovery permitted or required under
16 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
17 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
18 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
20 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
21 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
22 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
24 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
25 recorded or graphic material, however produced or reproduced and all other tangible objects,
26 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
27 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and

1 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
2 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
3 produced” where “a document was prepared and several copies were made or if additional
4 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
5 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
6 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
7 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
8 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
9 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
10 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
11 and government and government agency of every nature or type”; and/or to the extent this
12 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
13 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
14 envelopes, explanatory notes or memoranda, and any other material that accompanied the
15 document(s)” and “[i]f the specific document elicited a response, that response is also to be
16 identified and produced” and “[i]f the document was itself a response, the document to which it
17 responded is also to be identified and produced.”

18 Plaintiff intends to produce electronically stored information in a reasonably usable form.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
21 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
22 possession, custody, or control; and/or that is or should be available to Defendant and more
23 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

24 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
25 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
26 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
27 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by

1 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
 2 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
 3 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
 4 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
 5 applicable privilege or protection, including without limitation the psychotherapist-patient
 6 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
 7 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
 8 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
 9 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
 10 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
 11 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
 12 agreement among the parties. The Court has not yet entered a scheduling order in this case.

13 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 14 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
 15 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
 16 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
 17 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
 18 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
 19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
 20 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
 21 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
 22 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
 23 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
 24 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
 25 seeks discovery not limited to the relevant time period regarding the facts at issue in this
 26 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
 27 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
9 documents as appropriate and, as discovery proceeds, will produce, before the close of
10 discovery in accordance with any scheduling order that the Court will issue in this case,
11 responsive and relevant documents that are neither privileged nor otherwise protected, are
12 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
13 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
14 she is willing to meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 156:**

16 All DOCUMENTS that EVIDENCE any statement, action, conduct or behavior by a
17 KIRKLAND employee that YOU contend is inappropriate, discriminatory, harassing, retaliatory
18 or otherwise unlawful.

19 **RESPONSE TO REQUEST FOR PRODUCTION 156:**

20 In addition to the foregoing General Objections, each of which is specifically
21 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
22 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
23 calculated to lead to the discovery of admissible evidence and that is not proportional to the
24 needs of this case, and as seeking discovery outside the permissible scope under the Federal
25 Rules and/or other applicable law.

26 Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive,
27 and as seeking discovery outside the permissible scope under the Federal Rules of Civil

1 Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to
 2 the use of the verbiage “any statement, action, conduct or behavior” “by a KIRKLAND
 3 employee” “that YOU contend is inappropriate, discriminatory, harassing, retaliatory or
 4 otherwise unlawful” and because it is not tied to claims at issue in the litigation.

5 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 6 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 7 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 8 duplicative of discovery sought in other Requests, including Request Nos. 1–151, 157–58, 161,
 9 163. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R.
 10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further
 11 objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking
 12 discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other
 13 applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this
 14 Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that
 15 EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s
 16 definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on
 17 Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed.
 18 R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 19 Fed. R. Civ. P. 26(g)(1)(B)–(C).

20 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 21 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 22 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 23 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 24 production of electronically stored information, to the extent this Request seeks “[a]ll”
 25 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 26 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 27 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.

26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically

1 stored information, including seeking discovery of duplicative and/or cumulative electronically
 2 stored information, including without limitation to the extent this Request seeks “[a]ll”
 3 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
 4 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
 5 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 6 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 7 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 8 stored information from sources that are not reasonably accessible because of undue burden or
 9 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
 10 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
 11 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
 12 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
 13 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
 14 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
 15 objects to this Request to the extent it seeks production of electronically stored information in
 16 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
 17 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
 18 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
 19 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
 20 graphic material, however produced or reproduced and all other tangible objects, including, but
 21 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
 22 specified means] or other means” “and all drafts and summaries thereof” “and any
 23 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
 24 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
 25 produced” where “a document was prepared and several copies were made or if additional
 26 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
 27 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they

1 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
2 defendants' possession, custody, or control; and/or are or should be available to Defendant and
3 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
4 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
5 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
6 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
7 including because the sought discovery is should be in Kirkland's or its co-defendants'
8 possession, custody, or control, the importance of the discovery sought from Plaintiff in
9 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
10 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
11 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
12 of the case, and a seeking discovery outside the scope of discovery permitted or required under
13 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
14 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
15 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
17 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
18 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
19 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
20 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
21 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
22 recorded or graphic material, however produced or reproduced and all other tangible objects,
23 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
24 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
25 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
26 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
27 produced" where "a document was prepared and several copies were made or if additional

1 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
2 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
3 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
4 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
5 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
6 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
7 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
8 and government and government agency of every nature or type”; and/or to the extent this
9 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
10 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
11 envelopes, explanatory notes or memoranda, and any other material that accompanied the
12 document(s)” and “[i]f the specific document elicited a response, that response is also to be
13 identified and produced” and “[i]f the document was itself a response, the document to which it
14 responded is also to be identified and produced.”

15 Plaintiff intends to produce electronically stored information in a reasonably usable form.

16 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
17 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
18 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
19 possession, custody, or control; and/or that is or should be available to Defendant and more
20 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

21 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
22 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
23 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
24 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
25 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
26 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
27 Plaintiff also objects to this Request to the extent it seeks information that is protected by the

1 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
2 applicable privilege or protection, including without limitation the psychotherapist-patient
3 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
4 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
5 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
6 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
7 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
8 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
9 agreement among the parties. The Court has not yet entered a scheduling order in this case.

10 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
11 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
12 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
13 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
14 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
15 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
17 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
18 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
19 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
20 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
21 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
22 seeks discovery not limited to the relevant time period regarding the facts at issue in this
23 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
24 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

25 Subject to and without waiver of these objections and Plaintiff's General Objections,
26 Plaintiff responds as follows:
27
28

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff states that she has produced material responsive to this
7 Request and states that she will conduct a reasonable search for documents as appropriate and,
8 as discovery proceeds, will produce, before the close of discovery in accordance with any
9 scheduling order that the Court will issue in this case, responsive and relevant documents that
10 are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and
11 control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the
12 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
13 the scope of this Request.

14 **REQUEST FOR PRODUCTION NO. 157:**

15 All DOCUMENTS that EVIDENCE any statement, action, conduct or behavior on the
16 part of any KIRKLAND employee EVIDENCING the allegations in the COMPLAINT.

17 **RESPONSE TO REQUEST FOR PRODUCTION 157:**

18 In addition to the foregoing General Objections, each of which is specifically
19 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
20 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
21 calculated to lead to the discovery of admissible evidence and that is not proportional to the
22 needs of this case, and as seeking discovery outside the permissible scope under the Federal
23 Rules and/or other applicable law.

24 Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive,
25 and as seeking discovery outside the permissible scope under the Federal Rules of Civil
26 Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to
27

1 the use of the verbiage “any statement, action, conduct or behavior on the part of any
2 KIRKLAND employee EVIDENCING the allegations in the COMPLAINT.”

3 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
4 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
5 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
6 duplicative of discovery sought in other Requests, including Request Nos. 1–151, 156, 158, 161,
7 163. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further
9 objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking
10 discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other
11 applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this
12 Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that
13 EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s
14 definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on
15 Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed.
16 R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii);
17 Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
19 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
20 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
21 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
22 production of electronically stored information, to the extent this Request seeks “[a]ll”
23 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
24 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
25 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
26 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
27 objects to this Request to the extent it seeks production of electronically stored information

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

1 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
3 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
5 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
6 stored information from sources that are not reasonably accessible because of undue burden or
7 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
8 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
9 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
10 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
11 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
12 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
13 objects to this Request to the extent it seeks production of electronically stored information in
14 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
15 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
16 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
17 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
18 graphic material, however produced or reproduced and all other tangible objects, including, but
19 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
20 specified means] or other means” “and all drafts and summaries thereof” “and any
21 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
22 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
23 produced” where “a document was prepared and several copies were made or if additional
24 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
25 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
26 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
27 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

1 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
3 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
4 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
5 including because the sought discovery is should be in Kirkland's or its co-defendants'
6 possession, custody, or control, the importance of the discovery sought from Plaintiff in
7 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
8 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
9 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
10 of the case, and a seeking discovery outside the scope of discovery permitted or required under
11 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
12 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
13 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
15 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
16 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
17 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
19 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
20 recorded or graphic material, however produced or reproduced and all other tangible objects,
21 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
22 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
23 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
24 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
25 produced" where "a document was prepared and several copies were made or if additional
26 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
27 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient

1 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
2 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
3 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
4 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
5 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
6 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
7 agreement among the parties. The Court has not yet entered a scheduling order in this case.

8 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
9 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
10 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
11 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
12 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
13 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
15 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
16 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
17 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
18 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
19 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
20 seeks discovery not limited to the relevant time period regarding the facts at issue in this
21 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
22 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

23 Subject to and without waiver of these objections and Plaintiff's General Objections,
24 Plaintiff responds as follows:

25 The Court has not yet entered a scheduling order in this case; the Court has not set a date
26 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
27 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,

1 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
2 Request as this action and discovery proceed. Subject to the foregoing objections and to the
3 extent consistent with the same, Plaintiff states that she has produced material responsive to this
4 Request and states that she will conduct a reasonable search for documents as appropriate and,
5 as discovery proceeds, will produce, before the close of discovery in accordance with any
6 scheduling order that the Court will issue in this case, responsive and relevant documents that
7 are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and
8 control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the
9 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
10 the scope of this Request.

11 **REQUEST FOR PRODUCTION NO. 158:**

12 All DOCUMENTS that EVIDENCE any COMMUNICATION between PLAINTIFF
13 and any person regarding PLAINTIFF'S employment with KIRKLAND and/or allegations in
14 the COMPLAINT.

15 **RESPONSE TO REQUEST FOR PRODUCTION 158:**

16 In addition to the foregoing General Objections, each of which is specifically
17 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
18 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
19 calculated to lead to the discovery of admissible evidence and that is not proportional to the
20 needs of this case, and as seeking discovery outside the permissible scope under the Federal
21 Rules and/or other applicable law.

22 Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive,
23 and as seeking discovery outside the permissible scope under the Federal Rules of Civil
24 Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to
25 the use of the verbiage "DOCUMENTS that EVIDENCE any COMMUNICATION" and "any
26 COMMUNICATION between PLAINTIFF and any person."

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 3 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 4 duplicative of discovery sought in other Requests, including Request Nos. 1–151, 156–57, 161,
 5 163. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R.
 6 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further
 7 objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking
 8 discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other
 9 applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this
 10 Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that
 11 EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s
 12 definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on
 13 Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed.
 14 R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 15 Fed. R. Civ. P. 26(g)(1)(B)–(C).

16 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 17 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 18 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 19 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 20 production of electronically stored information, to the extent this Request seeks “[a]ll”
 21 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 22 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 23 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 24 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 25 objects to this Request to the extent it seeks production of electronically stored information
 26 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 27 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably

1 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
2 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
3 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
4 stored information from sources that are not reasonably accessible because of undue burden or
5 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
6 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
7 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
8 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
9 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
10 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
11 objects to this Request to the extent it seeks production of electronically stored information in
12 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
13 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
14 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
15 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
16 graphic material, however produced or reproduced and all other tangible objects, including, but
17 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
18 specified means] or other means” “and all drafts and summaries thereof” “and any
19 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
20 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
21 produced” where “a document was prepared and several copies were made or if additional
22 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
23 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
24 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
25 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
26 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
27 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not

relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU" and/or "[w]herever such DOCUMENTS are located in YOUR possession, custody, or control," including to the extent

1 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
2 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
3 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
4 and government and government agency of every nature or type”; and/or to the extent this
5 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
6 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
7 envelopes, explanatory notes or memoranda, and any other material that accompanied the
8 document(s)” and “[i]f the specific document elicited a response, that response is also to be
9 identified and produced” and “[i]f the document was itself a response, the document to which it
10 responded is also to be identified and produced.”

11 Plaintiff intends to produce electronically stored information in a reasonably usable form.

12 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
13 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
14 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
15 possession, custody, or control; and/or that is or should be available to Defendant and more
16 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

17 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
18 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
19 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
20 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
21 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
22 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
23 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
24 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
25 applicable privilege or protection, including without limitation the psychotherapist-patient
26 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
27 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
28

1 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
2 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
3 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
4 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
5 agreement among the parties. The Court has not yet entered a scheduling order in this case.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
8 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
9 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
10 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
11 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
12 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
13 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
14 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
16 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
17 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
18 seeks discovery not limited to the relevant time period regarding the facts at issue in this
19 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
20 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Subject to and without waiver of these objections and Plaintiff's General Objections,
22 Plaintiff responds as follows:

23 The Court has not yet entered a scheduling order in this case; the Court has not set a date
24 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
25 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
26 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
27 Request as this action and discovery proceed. Subject to the foregoing objections and to the
28

1 extent consistent with the same, Plaintiff states that she has produced material responsive to this
2 Request and states that she will conduct a reasonable search for documents as appropriate and,
3 as discovery proceeds, will produce, before the close of discovery in accordance with any
4 scheduling order that the Court will issue in this case, responsive and relevant documents that
5 are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and
6 control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the
7 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
8 the scope of this Request.

9 **REQUEST FOR PRODUCTION NO. 159:**

10 All DOCUMENTS that YOU received from or gave to current or former employees of
11 KIRKLAND regarding PLAINTIFF'S employment with KIRKLAND and/or any of the
12 allegations in the COMPLAINT.

13 **RESPONSE TO REQUEST FOR PRODUCTION 159:**

14 In addition to the foregoing General Objections, each of which is specifically
15 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
16 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
17 calculated to lead to the discovery of admissible evidence and that is not proportional to the
18 needs of this case, and as seeking discovery outside the permissible scope under the Federal
19 Rules and/or other applicable law.

20 Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive,
21 and as seeking discovery outside the permissible scope under the Federal Rules of Civil
22 Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to
23 the use of the verbiage "[a]ll DOCUMENTS that YOU received from or gave to current or
24 former employees of KIRKLAND regarding PLAINTIFF'S employment with KIRKLAND."

25 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
26 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
27 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
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1 duplicative of discovery sought in other Requests, including Request Nos. 1–151, 156–57, 161,
 2 163. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R.
 3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further
 4 objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking
 5 discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other
 6 applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this
 7 Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that
 8 EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s
 9 definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on
 10 Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed.
 11 R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 12 Fed. R. Civ. P. 26(g)(1)(B)–(C).

13 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 14 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 15 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 16 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 17 production of electronically stored information, to the extent this Request seeks “[a]ll”
 18 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 19 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 21 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 22 objects to this Request to the extent it seeks production of electronically stored information
 23 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 24 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 25 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 26 it seeks production of electronically stored information that is unreasonably cumulative or
 27 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it

1 seeks production of electronically stored information that is or can be obtained from some other
2 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
3 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
4 production of electronically stored information that exceeds the scope of discovery permitted by
5 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
6 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
7 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
8 considering the importance of the issues at stake in the action, the amount in controversy, the
9 parties' relative access to relevant information, including Kirkland's access to relevant
10 information because relevant information sought is or should be in Kirkland's possession,
11 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
12 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
13 the at most de minimis importance of cumulative and duplicative discovery requested ad
14 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
15 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
16 this Request to the extent it seeks production of electronically stored information that is not in
17 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or that is or should be available to Defendant
19 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff further objects to this Request because it seeks production of electronically
21 stored information, including seeking discovery of duplicative and/or cumulative electronically
22 stored information, including without limitation to the extent this Request seeks "[a]ll"
23 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
24 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
25 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
26 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
27 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
28

1 stored information from sources that are not reasonably accessible because of undue burden or
2 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
3 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
4 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
5 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
6 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
7 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
8 objects to this Request to the extent it seeks production of electronically stored information in
9 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
10 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
11 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
12 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
13 graphic material, however produced or reproduced and all other tangible objects, including, but
14 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
15 specified means] or other means” “and all drafts and summaries thereof” “and any
16 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
17 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
18 produced” where “a document was prepared and several copies were made or if additional
19 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
20 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
21 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
22 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
23 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
25 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
26 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
27 including because the sought discovery is should be in Kirkland’s or its co-defendants’

1 possession, custody, or control, the importance of the discovery sought from Plaintiff in
2 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
3 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
4 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
5 of the case, and as seeking discovery outside the scope of discovery permitted or required under
6 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
7 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
8 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
10 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
11 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
12 and as seeking discovery outside the scope of discovery permitted under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
14 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
15 recorded or graphic material, however produced or reproduced and all other tangible objects,
16 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
17 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
18 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
19 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
20 produced” where “a document was prepared and several copies were made or if additional
21 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
22 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
23 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
24 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
25 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
26 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
27 partnership, proprietorship, association, joint venture, other form of organization or arrangement,

1 and government and government agency of every nature or type”; and/or to the extent this
2 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
3 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
4 envelopes, explanatory notes or memoranda, and any other material that accompanied the
5 document(s)” and “[i]f the specific document elicited a response, that response is also to be
6 identified and produced” and “[i]f the document was itself a response, the document to which it
7 responded is also to be identified and produced.”

8 Plaintiff intends to produce electronically stored information in a reasonably usable form.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
11 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
12 possession, custody, or control; and/or that is or should be available to Defendant and more
13 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

14 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
15 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
16 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
17 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
18 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
19 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
20 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
21 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
22 applicable privilege or protection, including without limitation the psychotherapist-patient
23 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
24 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
25 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
26 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
27 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
28

1 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
2 agreement among the parties. The Court has not yet entered a scheduling order in this case.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
15 seeks discovery not limited to the relevant time period regarding the facts at issue in this
16 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
17 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed. Subject to the foregoing objections and to the
25 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
26 documents as appropriate and, as discovery proceeds, will produce, before the close of
27 discovery in accordance with any scheduling order that the Court will issue in this case,

responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 160:

All DOCUMENTS that EVIDENCE PLAINTIFF'S COMMUNICATIONS with current or former KIRKLAND employees after PLAINTIFF's employment with KIRKLAND terminated.

RESPONSE TO REQUEST FOR PRODUCTION 160:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive, and as seeking discovery outside the permissible scope under the Federal Rules of Civil Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to the use of the verbiage "[a]ll DOCUMENTS that EVIDENCE PLAINTIFF'S COMMUNICATIONS" "with current or former KIRKLAND employees" "after PLAINTIFF's employment with KIRKLAND terminated" and because it is not tied to claims at issue in the litigation.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);

1 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 2 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 3 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 4 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 5 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 6 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 7 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P.
 8 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
 9 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 11 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 12 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 13 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 14 production of electronically stored information, to the extent this Request seeks “[a]ll”
 15 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 16 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 18 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 19 objects to this Request to the extent it seeks production of electronically stored information
 20 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 21 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 22 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 23 it seeks production of electronically stored information that is unreasonably cumulative or
 24 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 25 seeks production of electronically stored information that is or can be obtained from some other
 26 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 27 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks

1 production of electronically stored information that exceeds the scope of discovery permitted by
2 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
3 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
4 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
5 considering the importance of the issues at stake in the action, the amount in controversy, the
6 parties' relative access to relevant information, including Kirkland's access to relevant
7 information because relevant information sought is or should be in Kirkland's possession,
8 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
9 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
10 the at most de minimis importance of cumulative and duplicative discovery requested ad
11 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
12 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
13 this Request to the extent it seeks production of electronically stored information that is not in
14 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
15 defendants' possession, custody, or control; and/or that is or should be available to Defendant
16 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff further objects to this Request because it seeks production of electronically
18 stored information, including seeking discovery of duplicative and/or cumulative electronically
19 stored information, including without limitation to the extent this Request seeks "[a]ll"
20 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
21 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
22 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
23 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
24 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
25 stored information from sources that are not reasonably accessible because of undue burden or
26 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
27 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"

1 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
2 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
3 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
4 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information in
6 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
7 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
8 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
9 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
10 graphic material, however produced or reproduced and all other tangible objects, including, but
11 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
12 specified means] or other means" "and all drafts and summaries thereof" "and any
13 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
14 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
15 produced" where "a document was prepared and several copies were made or if additional
16 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
17 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
18 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or are or should be available to Defendant and
20 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
22 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
23 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
24 including because the sought discovery is should be in Kirkland's or its co-defendants'
25 possession, custody, or control, the importance of the discovery sought from Plaintiff in
26 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
27 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,

1 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
2 of the case, and a seeking discovery outside the scope of discovery permitted or required under
3 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
4 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
5 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
6 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
7 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
8 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
9 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
11 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
12 recorded or graphic material, however produced or reproduced and all other tangible objects,
13 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
14 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
15 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
16 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
19 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
20 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
21 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
22 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
23 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
24 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
25 and government and government agency of every nature or type”; and/or to the extent this
26 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
27 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all

1 envelopes, explanatory notes or memoranda, and any other material that accompanied the
2 document(s)” and “[i]f the specific document elicited a response, that response is also to be
3 identified and produced” and “[i]f the document was itself a response, the document to which it
4 responded is also to be identified and produced.”

5 Plaintiff intends to produce electronically stored information in a reasonably usable form.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
8 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
9 possession, custody, or control; and/or that is or should be available to Defendant and more
10 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

11 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
12 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
13 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
14 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
15 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
16 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
17 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
18 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
19 applicable privilege or protection, including without limitation the psychotherapist-patient
20 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
21 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
22 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
23 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
24 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
25 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
26 agreement among the parties. The Court has not yet entered a scheduling order in this case.

1 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
2 assessment, or determination, which will be adjudicated only by a judge and/or jury.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
15 seeks discovery not limited to the relevant time period regarding the facts at issue in this
16 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
17 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed. Subject to the foregoing objections and to the
25 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
26 documents as appropriate and, as discovery proceeds, will produce, before the close of
27 discovery in accordance with any scheduling order that the Court will issue in this case,

responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 161:

All DOCUMENTS that EVIDENCE any statement or complaint made by PLAINTIFF to any person at KIRKLAND regarding alleged discrimination, harassment, retaliation, or any of the allegations in the COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION 161:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive, and as seeking discovery outside the permissible scope under the Federal Rules of Civil Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to the use of the verbiage "EVIDENCE any statement or complaint made by PLAINTIFF to any person" and "regarding alleged discrimination, harassment, retaliation."

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Request Nos. 1–151, 156–59, 163. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery

outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by

1 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
2 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
3 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
4 considering the importance of the issues at stake in the action, the amount in controversy, the
5 parties' relative access to relevant information, including Kirkland's access to relevant
6 information because relevant information sought is or should be in Kirkland's possession,
7 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
8 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
9 the at most de minimis importance of cumulative and duplicative discovery requested ad
10 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
11 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
12 this Request to the extent it seeks production of electronically stored information that is not in
13 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
14 defendants' possession, custody, or control; and/or that is or should be available to Defendant
15 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
16 expense. Plaintiff further objects to this Request because it seeks production of electronically
17 stored information, including seeking discovery of duplicative and/or cumulative electronically
18 stored information, including without limitation to the extent this Request seeks "[a]ll"
19 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
20 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
21 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
22 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
23 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
24 stored information from sources that are not reasonably accessible because of undue burden or
25 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
26 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
27 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to

1 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
2 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
3 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
4 objects to this Request to the extent it seeks production of electronically stored information in
5 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
6 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
7 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
8 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
9 graphic material, however produced or reproduced and all other tangible objects, including, but
10 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
11 specified means] or other means" "and all drafts and summaries thereof" "and any
12 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
13 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
14 produced" where "a document was prepared and several copies were made or if additional
15 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
16 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
17 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or are or should be available to Defendant and
19 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
21 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
22 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
23 including because the sought discovery is should be in Kirkland's or its co-defendants'
24 possession, custody, or control, the importance of the discovery sought from Plaintiff in
25 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
26 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
27 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs

1 of the case, and a seeking discovery outside the scope of discovery permitted or required under
2 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
3 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
4 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
5 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
6 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
7 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
8 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
9 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
10 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
11 recorded or graphic material, however produced or reproduced and all other tangible objects,
12 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
13 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
14 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
15 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
16 produced” where “a document was prepared and several copies were made or if additional
17 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
18 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
19 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
20 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
21 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
22 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
23 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
24 and government and government agency of every nature or type”; and/or to the extent this
25 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
26 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
27 envelopes, explanatory notes or memoranda, and any other material that accompanied the

document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll

DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she has produced material responsive to this Request and states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the

1 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
2 the scope of this Request.

3 **REQUEST FOR PRODUCTION NO. 162:**

4 All DOCUMENTS that EVIDENCE any communication between PLAINTIFF and any
5 KIRKLAND employee regarding PLAINITFF'S separation of employment from KIRKLAND.

6 **RESPONSE TO REQUEST FOR PRODUCTION 162:**

7 In addition to the foregoing General Objections, each of which is specifically
8 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
9 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
10 calculated to lead to the discovery of admissible evidence and that is not proportional to the
11 needs of this case, and as seeking discovery outside the permissible scope under the Federal
12 Rules and/or other applicable law.

13 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
14 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
15 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
16 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
17 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
18 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
19 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
20 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
21 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
22 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
23 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
24 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P.
25 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
26 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
3 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
4 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
5 production of electronically stored information, to the extent this Request seeks “[a]ll”
6 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
7 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
9 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
10 objects to this Request to the extent it seeks production of electronically stored information
11 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
12 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
14 it seeks production of electronically stored information that is unreasonably cumulative or
15 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
16 seeks production of electronically stored information that is or can be obtained from some other
17 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
18 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
19 production of electronically stored information that exceeds the scope of discovery permitted by
20 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
21 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
22 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
23 considering the importance of the issues at stake in the action, the amount in controversy, the
24 parties’ relative access to relevant information, including Kirkland’s access to relevant
25 information because relevant information sought is or should be in Kirkland’s possession,
26 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
27 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
2 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
3 recorded or graphic material, however produced or reproduced and all other tangible objects,
4 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
5 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
6 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
7 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
10 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
11 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
12 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
13 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
14 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
15 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
16 and government and government agency of every nature or type”; and/or to the extent this
17 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
18 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
19 envelopes, explanatory notes or memoranda, and any other material that accompanied the
20 document(s)” and “[i]f the specific document elicited a response, that response is also to be
21 identified and produced” and “[i]f the document was itself a response, the document to which it
22 responded is also to be identified and produced.”

23 Plaintiff intends to produce electronically stored information in a reasonably usable form.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
26 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
27

possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

1 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
2 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
4 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
5 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
6 seeks discovery not limited to the relevant time period regarding the facts at issue in this
7 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
8 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

9 Subject to and without waiver of these objections and Plaintiff’s General Objections,
10 Plaintiff responds as follows:

11 The Court has not yet entered a scheduling order in this case; the Court has not set a date
12 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
13 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
14 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
15 Request as this action and discovery proceed. Subject to the foregoing objections and to the
16 extent consistent with the same, Plaintiff states that she has produced material responsive to this
17 Request and states that she will conduct a reasonable search for documents as appropriate and,
18 as discovery proceeds, will produce, before the close of discovery in accordance with any
19 scheduling order that the Court will issue in this case, responsive and relevant documents that
20 are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and
21 control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the
22 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
23 the scope of this Request.

24 **REQUEST FOR PRODUCTION NO. 163:**

25 All DOCUMENTS reflecting records of events alleged in the COMPLAINT that were
26 maintained by PLAINTIFF, including but not limited to, journals, diaries, tapes, calendars, date
27 books, personal organizers (whether electronic or manual), weekly or monthly planners,

1 chronologies, appointment books, notebooks, emails, or any other records of events maintained
2 by PLAINTIFF.

3 **RESPONSE TO REQUEST FOR PRODUCTION 163:**

4 In addition to the foregoing General Objections, each of which is specifically
5 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
6 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
7 calculated to lead to the discovery of admissible evidence and that is not proportional to the
8 needs of this case, and as seeking discovery outside the permissible scope under the Federal
9 Rules and/or other applicable law.

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
11 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
12 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
13 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
14 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
15 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
16 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
17 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
18 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
19 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
20 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
21 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P.
22 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
23 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
25 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
26 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
27 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to

1 production of electronically stored information, to the extent this Request seeks “[a]ll”
2 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
3 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
4 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
5 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
6 objects to this Request to the extent it seeks production of electronically stored information
7 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
8 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
10 it seeks production of electronically stored information that is unreasonably cumulative or
11 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
12 seeks production of electronically stored information that is or can be obtained from some other
13 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
14 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
15 production of electronically stored information that exceeds the scope of discovery permitted by
16 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
17 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
18 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
19 considering the importance of the issues at stake in the action, the amount in controversy, the
20 parties’ relative access to relevant information, including Kirkland’s access to relevant
21 information because relevant information sought is or should be in Kirkland’s possession,
22 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
23 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
24 the at most de minimis importance of cumulative and duplicative discovery requested ad
25 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
26 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
27 this Request to the extent it seeks production of electronically stored information that is not in

Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 expense. Plaintiff further objects to this Request because it seeks production of electronically
 stored information, including seeking discovery of duplicative and/or cumulative electronically
 stored information, including without limitation to the extent this Request seeks "[a]ll"
 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 stored information from sources that are not reasonably accessible because of undue burden or
 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
 objects to this Request to the extent it seeks production of electronically stored information in
 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 graphic material, however produced or reproduced and all other tangible objects, including, but
 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 specified means] or other means" "and all drafts and summaries thereof" "and any
 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule

1 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
2 produced” where “a document was prepared and several copies were made or if additional
3 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
4 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
5 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
6 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
7 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
8 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
9 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
10 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
11 including because the sought discovery is should be in Kirkland’s or its co-defendants’
12 possession, custody, or control, the importance of the discovery sought from Plaintiff in
13 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
14 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
15 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
16 of the case, and a seeking discovery outside the scope of discovery permitted or required under
17 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
18 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
19 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
21 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
22 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
23 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
25 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
26 recorded or graphic material, however produced or reproduced and all other tangible objects,
27 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether

1 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
2 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
3 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
4 produced” where “a document was prepared and several copies were made or if additional
5 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
6 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
7 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
8 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
9 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
10 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
11 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
12 and government and government agency of every nature or type”; and/or to the extent this
13 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
14 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
15 envelopes, explanatory notes or memoranda, and any other material that accompanied the
16 document(s)” and “[i]f the specific document elicited a response, that response is also to be
17 identified and produced” and “[i]f the document was itself a response, the document to which it
18 responded is also to be identified and produced.”

19 Plaintiff intends to produce electronically stored information in a reasonably usable form.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
21 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
22 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
23 possession, custody, or control; and/or that is or should be available to Defendant and more
24 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

25 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
26 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
27 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
28

1 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
2 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
3 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
4 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
5 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
6 applicable privilege or protection, including without limitation the psychotherapist-patient
7 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
8 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
9 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
10 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
11 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
12 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
13 agreement among the parties. The Court has not yet entered a scheduling order in this case.

14 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
15 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
16 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
17 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
18 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
19 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
21 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
22 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
24 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
25 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
26 seeks discovery not limited to the relevant time period regarding the facts at issue in this
27

litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff's General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she has produced material responsive to this Request and states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 164:

Any summary, chronology or outline of facts, occurrences or events related to the allegations of the COMPLAINT, which YOU prepared.

RESPONSE TO REQUEST FOR PRODUCTION 164:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent

1 it seeks production of electronically stored information that is unreasonably cumulative or
2 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
3 seeks production of electronically stored information that is or can be obtained from some other
4 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
5 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
6 production of electronically stored information that exceeds the scope of discovery permitted by
7 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
8 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
9 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
10 considering the importance of the issues at stake in the action, the amount in controversy, the
11 parties' relative access to relevant information, including Kirkland's access to relevant
12 information because relevant information sought is or should be in Kirkland's possession,
13 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
14 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
15 the at most de minimis importance of cumulative and duplicative discovery requested ad
16 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
17 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
18 this Request to the extent it seeks production of electronically stored information that is not in
19 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
20 defendants' possession, custody, or control; and/or that is or should be available to Defendant
21 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
22 expense. Plaintiff further objects to this Request because it seeks production of electronically
23 stored information, including seeking discovery of duplicative and/or cumulative electronically
24 stored information, including without limitation to the extent this Request seeks "[a]ll"
25 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
26 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
27 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.

26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources

1 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
2 including because the sought discovery is should be in Kirkland's or its co-defendants'
3 possession, custody, or control, the importance of the discovery sought from Plaintiff in
4 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
5 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
6 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
7 of the case, and a seeking discovery outside the scope of discovery permitted or required under
8 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
9 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
10 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
12 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
13 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
14 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
16 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
17 recorded or graphic material, however produced or reproduced and all other tangible objects,
18 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
19 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
20 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
21 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
22 produced" where "a document was prepared and several copies were made or if additional
23 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
24 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
25 transmittal in any manner or received by any means by YOU" and/or "[w]herever such
26 DOCUMENTS are located in YOUR possession, custody, or control," including to the extent
27 "YOU" and "YOUR" includes "any other PERSON representing" Plaintiff "or acting on her

1 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
2 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
3 and government and government agency of every nature or type”; and/or to the extent this
4 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
5 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
6 envelopes, explanatory notes or memoranda, and any other material that accompanied the
7 document(s)” and “[i]f the specific document elicited a response, that response is also to be
8 identified and produced” and “[i]f the document was itself a response, the document to which it
9 responded is also to be identified and produced.”

10 Plaintiff intends to produce electronically stored information in a reasonably usable form.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
12 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
13 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
14 possession, custody, or control; and/or that is or should be available to Defendant and more
15 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

16 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
17 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
18 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
19 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
20 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
21 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
22 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
23 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
24 applicable privilege or protection, including without limitation the psychotherapist-patient
25 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
26 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
27 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as

1 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
2 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
3 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
4 agreement among the parties. The Court has not yet entered a scheduling order in this case.

5 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
6 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
7 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
8 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
9 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
10 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
12 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
13 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
14 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
15 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
16 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
17 seeks discovery not limited to the relevant time period regarding the facts at issue in this
18 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
19 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

20 Subject to and without waiver of these objections and Plaintiff's General Objections,
21 Plaintiff responds as follows:

22 The Court has not yet entered a scheduling order in this case; the Court has not set a date
23 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
24 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
25 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
26 Request as this action and discovery proceed. Subject to the foregoing objections and to the
27 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
28

documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 165:

All DOCUMENTS that EVIDENCE any internet posting in YOUR possession, custody, or control, which is related to YOUR employment with KIRKLAND or any of the allegations set forth in the COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION 165:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive, and as seeking discovery outside the permissible scope under the Federal Rules of Civil Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to the use of the verbiage "[a]ll DOCUMENTS that EVIDENCE any internet posting in YOUR possession, custody, or control."

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);

1 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 2 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 3 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 4 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 5 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 6 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 7 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P.
 8 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 9 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 11 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 12 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 13 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 14 production of electronically stored information, to the extent this Request seeks “[a]ll”
 15 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 16 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 18 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 19 objects to this Request to the extent it seeks production of electronically stored information
 20 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 21 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 22 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 23 it seeks production of electronically stored information that is unreasonably cumulative or
 24 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 25 seeks production of electronically stored information that is or can be obtained from some other
 26 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 27 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks

1 production of electronically stored information that exceeds the scope of discovery permitted by
2 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
3 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
4 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
5 considering the importance of the issues at stake in the action, the amount in controversy, the
6 parties' relative access to relevant information, including Kirkland's access to relevant
7 information because relevant information sought is or should be in Kirkland's possession,
8 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
9 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
10 the at most de minimis importance of cumulative and duplicative discovery requested ad
11 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
12 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
13 this Request to the extent it seeks production of electronically stored information that is not in
14 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
15 defendants' possession, custody, or control; and/or that is or should be available to Defendant
16 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff further objects to this Request because it seeks production of electronically
18 stored information, including seeking discovery of duplicative and/or cumulative electronically
19 stored information, including without limitation to the extent this Request seeks "[a]ll"
20 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
21 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
22 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
23 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
24 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
25 stored information from sources that are not reasonably accessible because of undue burden or
26 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
27 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"

1 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
2 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
3 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
4 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information in
6 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
7 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
8 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
9 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
10 graphic material, however produced or reproduced and all other tangible objects, including, but
11 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
12 specified means] or other means" "and all drafts and summaries thereof" "and any
13 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
14 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
15 produced" where "a document was prepared and several copies were made or if additional
16 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
17 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
18 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or are or should be available to Defendant and
20 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
22 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
23 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
24 including because the sought discovery is should be in Kirkland's or its co-defendants'
25 possession, custody, or control, the importance of the discovery sought from Plaintiff in
26 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
27 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,

1 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
2 of the case, and a seeking discovery outside the scope of discovery permitted or required under
3 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
4 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
5 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
6 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
7 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
8 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
9 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
11 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
12 recorded or graphic material, however produced or reproduced and all other tangible objects,
13 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
14 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
15 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
16 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
19 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
20 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
21 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
22 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
23 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
24 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
25 and government and government agency of every nature or type”; and/or to the extent this
26 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
27 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all

1 envelopes, explanatory notes or memoranda, and any other material that accompanied the
2 document(s)” and “[i]f the specific document elicited a response, that response is also to be
3 identified and produced” and “[i]f the document was itself a response, the document to which it
4 responded is also to be identified and produced.”

5 Plaintiff intends to produce electronically stored information in a reasonably usable form.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
8 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
9 possession, custody, or control; and/or that is or should be available to Defendant and more
10 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

11 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
12 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
13 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
14 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
15 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
16 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
17 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
18 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
19 applicable privilege or protection, including without limitation the psychotherapist-patient
20 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
21 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
22 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
23 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
24 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
25 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
26 agreement among the parties. The Court has not yet entered a scheduling order in this case.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
3 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
4 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
5 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
6 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
7 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
8 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
9 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
11 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
12 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
13 seeks discovery not limited to the relevant time period regarding the facts at issue in this
14 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
15 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

16 Subject to and without waiver of these objections and Plaintiff’s General Objections,
17 Plaintiff responds as follows:

18 The Court has not yet entered a scheduling order in this case; the Court has not set a date
19 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
20 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
21 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
22 Request as this action and discovery proceed. Subject to the foregoing objections and to the
23 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
24 documents as appropriate and, as discovery proceeds, will produce, before the close of
25 discovery in accordance with any scheduling order that the Court will issue in this case,
26 responsive and relevant documents that are neither privileged nor otherwise protected, are
27 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located

1 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
2 she is willing to meet and confer regarding the scope of this Request.

3 **REQUEST FOR PRODUCTION NO. 166:**

4 All DOCUMENTS that EVIDENCE any emotional distress suffered by PLAINTIFF,
5 including but not limited to correspondence, bills, reports, diagnoses, prescriptions, medical
6 records, doctor notes, treatment plans or test results for any medical or psychological counseling
7 or treatment received by PLAINTIFF from November 16, 2015 to the present.

8 **RESPONSE TO REQUEST FOR PRODUCTION 166:**

9 In addition to the foregoing General Objections, each of which is specifically
10 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
11 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
12 calculated to lead to the discovery of admissible evidence and that is not proportional to the
13 needs of this case, and as seeking discovery outside the permissible scope under the Federal
14 Rules and/or other applicable law.

15 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
16 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
17 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
18 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
19 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
20 Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
22 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
23 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
25 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
26 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
27 seeks discovery not limited to the relevant time period regarding the facts at issue in this

litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Request Nos. 113, 123, 150–51, 167, 179, 189–90. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information

1 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
2 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
4 it seeks production of electronically stored information that is unreasonably cumulative or
5 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
6 seeks production of electronically stored information that is or can be obtained from some other
7 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
8 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
9 production of electronically stored information that exceeds the scope of discovery permitted by
10 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
11 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
12 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy, the
14 parties' relative access to relevant information, including Kirkland's access to relevant
15 information because relevant information sought is or should be in Kirkland's possession,
16 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
17 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
18 the at most de minimis importance of cumulative and duplicative discovery requested ad
19 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
20 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
21 this Request to the extent it seeks production of electronically stored information that is not in
22 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
23 defendants' possession, custody, or control; and/or that is or should be available to Defendant
24 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
25 expense. Plaintiff further objects to this Request because it seeks production of electronically
26 stored information, including seeking discovery of duplicative and/or cumulative electronically
27 stored information, including without limitation to the extent this Request seeks "[a]ll"

1 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
3 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
5 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
6 stored information from sources that are not reasonably accessible because of undue burden or
7 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
8 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
9 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
10 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
11 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
12 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
13 objects to this Request to the extent it seeks production of electronically stored information in
14 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
15 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
16 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
17 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
18 graphic material, however produced or reproduced and all other tangible objects, including, but
19 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
20 specified means] or other means” “and all drafts and summaries thereof” “and any
21 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
22 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
23 produced” where “a document was prepared and several copies were made or if additional
24 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
25 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
26 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
27 defendants’ possession, custody, or control; and/or are or should be available to Defendant and

1 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
3 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
4 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
5 including because the sought discovery is should be in Kirkland's or its co-defendants'
6 possession, custody, or control, the importance of the discovery sought from Plaintiff in
7 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
8 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
9 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
10 of the case, and a seeking discovery outside the scope of discovery permitted or required under
11 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
12 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
13 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
14 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
15 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
16 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
17 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
18 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
19 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
20 recorded or graphic material, however produced or reproduced and all other tangible objects,
21 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
22 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
23 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
24 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
25 produced" where "a document was prepared and several copies were made or if additional
26 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
27 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for

transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff further objects to this Request as premature because Plaintiff cannot provide a full response until after further discovery is conducted.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the

1 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
2 applicable privilege or protection, including without limitation the psychotherapist-patient
3 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
4 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
5 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
6 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
7 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
8 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
9 agreement among the parties. The Court has not yet entered a scheduling order in this case.

10 Subject to and without waiver of these objections and Plaintiff's General Objections,
11 Plaintiff responds as follows:

12 The Court has not yet entered a scheduling order in this case; the Court has not set a date
13 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
14 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
15 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
16 Request as this action and discovery proceed. Subject to the foregoing objections and to the
17 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
18 documents as appropriate and, as discovery proceeds, will produce, before the close of
19 discovery in accordance with any scheduling order that the Court will issue in this case,
20 responsive and relevant documents that are neither privileged nor otherwise protected, are
21 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
22 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
23 she is willing to meet and confer regarding the scope of this Request.

24 **REQUEST FOR PRODUCTION NO. 167:**

25 All DOCUMENTS EVIDENCING any medical or mental health treatment PLAINTIFF
26 has sought or received from November 16, 2015 through the present.

27 **RESPONSE TO REQUEST FOR PRODUCTION 167:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
8 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
9 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
10 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
11 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
12 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
14 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
15 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
16 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
17 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
18 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
19 seeks discovery not limited to the relevant time period regarding the facts at issue in this
20 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
21 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

22 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
23 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
24 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
25 duplicative of discovery sought in other Requests, including Request Nos. 113, 123, 150–51,
26 166, 179, 189–90. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P.
27 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1).

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and
 2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 3 and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to
 4 the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
 5 DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or
 6 relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates
 7 or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 8 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 9 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 11 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 12 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 13 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 14 production of electronically stored information, to the extent this Request seeks “[a]ll”
 15 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 16 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 18 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 19 objects to this Request to the extent it seeks production of electronically stored information
 20 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 21 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 22 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 23 it seeks production of electronically stored information that is unreasonably cumulative or
 24 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 25 seeks production of electronically stored information that is or can be obtained from some other
 26 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 27 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks

1 production of electronically stored information that exceeds the scope of discovery permitted by
2 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
3 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
4 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
5 considering the importance of the issues at stake in the action, the amount in controversy, the
6 parties' relative access to relevant information, including Kirkland's access to relevant
7 information because relevant information sought is or should be in Kirkland's possession,
8 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
9 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
10 the at most de minimis importance of cumulative and duplicative discovery requested ad
11 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
12 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
13 this Request to the extent it seeks production of electronically stored information that is not in
14 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
15 defendants' possession, custody, or control; and/or that is or should be available to Defendant
16 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff further objects to this Request because it seeks production of electronically
18 stored information, including seeking discovery of duplicative and/or cumulative electronically
19 stored information, including without limitation to the extent this Request seeks "[a]ll"
20 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
21 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
22 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
23 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
24 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
25 stored information from sources that are not reasonably accessible because of undue burden or
26 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
27 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"

and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-defendants' possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,

1 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
2 of the case, and a seeking discovery outside the scope of discovery permitted or required under
3 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
4 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
5 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
6 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
7 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
8 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
9 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
11 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
12 recorded or graphic material, however produced or reproduced and all other tangible objects,
13 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
14 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
15 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
16 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
19 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
20 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
21 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
22 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
23 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
24 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
25 and government and government agency of every nature or type”; and/or to the extent this
26 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
27 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all

1 envelopes, explanatory notes or memoranda, and any other material that accompanied the
2 document(s)” and “[i]f the specific document elicited a response, that response is also to be
3 identified and produced” and “[i]f the document was itself a response, the document to which it
4 responded is also to be identified and produced.”

5 Plaintiff intends to produce electronically stored information in a reasonably usable form.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
8 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
9 possession, custody, or control; and/or that is or should be available to Defendant and more
10 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

11 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
12 full response until after further discovery is conducted.

13 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
14 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
15 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
16 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
17 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
18 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
19 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
20 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
21 applicable privilege or protection, including without limitation the psychotherapist-patient
22 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
23 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
24 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
25 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
26 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
27
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1 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
2 agreement among the parties. The Court has not yet entered a scheduling order in this case.

3 Subject to and without waiver of these objections and Plaintiff's General Objections,
4 Plaintiff responds as follows:

5 The Court has not yet entered a scheduling order in this case; the Court has not set a date
6 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
7 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
8 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
9 Request as this action and discovery proceed. Subject to the foregoing objections and to the
10 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
11 documents as appropriate and, as discovery proceeds, will produce, before the close of
12 discovery in accordance with any scheduling order that the Court will issue in this case,
13 responsive and relevant documents that are neither privileged nor otherwise protected, are
14 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
15 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
16 she is willing to meet and confer regarding the scope of this Request.

17 **REQUEST FOR PRODUCTION NO. 168:**

18 Any independently prepared witness statements or sworn affidavits or declarations
19 obtained by PLAINTIFF that EVIDENCE any of the allegations in the COMPLAINT.

20 **RESPONSE TO REQUEST FOR PRODUCTION 168:**

21 In addition to the foregoing General Objections, each of which is specifically
22 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
23 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
24 calculated to lead to the discovery of admissible evidence and that is not proportional to the
25 needs of this case, and as seeking discovery outside the permissible scope under the Federal
26 Rules and/or other applicable law.

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 3 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 4 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
 5 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 6 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 7 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 8 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 9 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 10 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 11 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 12 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P.
 13 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
 14 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

15 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 16 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 17 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 18 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 19 production of electronically stored information, to the extent this Request seeks “[a]ll”
 20 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 21 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 22 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 23 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 24 objects to this Request to the extent it seeks production of electronically stored information
 25 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 26 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 27 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent

1 it seeks production of electronically stored information that is unreasonably cumulative or
2 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
3 seeks production of electronically stored information that is or can be obtained from some other
4 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
5 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
6 production of electronically stored information that exceeds the scope of discovery permitted by
7 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
8 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
9 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
10 considering the importance of the issues at stake in the action, the amount in controversy, the
11 parties' relative access to relevant information, including Kirkland's access to relevant
12 information because relevant information sought is or should be in Kirkland's possession,
13 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
14 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
15 the at most de minimis importance of cumulative and duplicative discovery requested ad
16 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
17 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
18 this Request to the extent it seeks production of electronically stored information that is not in
19 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
20 defendants' possession, custody, or control; and/or that is or should be available to Defendant
21 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
22 expense. Plaintiff further objects to this Request because it seeks production of electronically
23 stored information, including seeking discovery of duplicative and/or cumulative electronically
24 stored information, including without limitation to the extent this Request seeks "[a]ll"
25 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
26 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
27 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.

26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources

1 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
2 including because the sought discovery is should be in Kirkland's or its co-defendants'
3 possession, custody, or control, the importance of the discovery sought from Plaintiff in
4 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
5 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
6 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
7 of the case, and a seeking discovery outside the scope of discovery permitted or required under
8 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
9 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
10 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
12 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
13 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
14 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
16 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
17 recorded or graphic material, however produced or reproduced and all other tangible objects,
18 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
19 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
20 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
21 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be
22 produced" where "a document was prepared and several copies were made or if additional
23 copies were thereafter made"; to the extent it seeks "DOCUMENT(S)," including the foregoing
24 description, "[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
25 transmittal in any manner or received by any means by YOU" and/or "[w]herever such
26 DOCUMENTS are located in YOUR possession, custody, or control," including to the extent
27 "YOU" and "YOUR" includes "any other PERSON representing" Plaintiff "or acting on her

1 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
2 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
3 and government and government agency of every nature or type”; and/or to the extent this
4 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
5 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
6 envelopes, explanatory notes or memoranda, and any other material that accompanied the
7 document(s)” and “[i]f the specific document elicited a response, that response is also to be
8 identified and produced” and “[i]f the document was itself a response, the document to which it
9 responded is also to be identified and produced.”

10 Plaintiff intends to produce electronically stored information in a reasonably usable form.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
12 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
13 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
14 possession, custody, or control; and/or that is or should be available to Defendant and more
15 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

16 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
17 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
18 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
19 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
20 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
21 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
22 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
23 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
24 applicable privilege or protection, including without limitation the psychotherapist-patient
25 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
26 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
27 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as

1 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
2 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
3 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
4 agreement among the parties. The Court has not yet entered a scheduling order in this case.

5 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
6 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
7 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
8 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
9 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
10 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
12 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
13 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
14 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
15 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
16 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
17 seeks discovery not limited to the relevant time period regarding the facts at issue in this
18 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
19 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

20 Subject to and without waiver of these objections and Plaintiff's General Objections,
21 Plaintiff responds as follows:

22 The Court has not yet entered a scheduling order in this case; the Court has not set a date
23 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
24 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
25 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
26 Request as this action and discovery proceed. Subject to the foregoing objections and to the
27 extent consistent with the same, Plaintiff states that she is not in possession of any
28

1 independently prepared witness statements, sworn affidavits or declaration responsive to this
2 Request.

3 **REQUEST FOR PRODUCTION NO. 169:**

4 All DOCUMENTS that EVIDENCE any efforts made by PLAINTIFF to mitigate any
5 damages suffered by PLAINTIFF as a result of the alleged conduct of KIRKLAND, including
6 but not limited to employment applications, letters to prospective employers or contractors,
7 resumes, job offer letters, job rejection letters, or any other COMMUNICATIONS with
8 potential employers or contractors, job placement or job referral entities.

9 **RESPONSE TO REQUEST FOR PRODUCTION 169:**

10 In addition to the foregoing General Objections, each of which is specifically
11 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
12 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
13 calculated to lead to the discovery of admissible evidence and that is not proportional to the
14 needs of this case, and as seeking discovery outside the permissible scope under the Federal
15 Rules and/or other applicable law.

16 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
17 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
18 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
19 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
20 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
21 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
22 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
23 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
24 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
25 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
26 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
27 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P.

26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
22 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
23 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
24 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
25 objects to this Request to the extent it seeks production of electronically stored information in
26 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
27 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).

1 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
5 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
6 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
7 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
8 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
9 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
10 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
11 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
12 applicable privilege or protection, including without limitation the psychotherapist-patient
13 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
14 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
15 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
16 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
17 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
18 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
19 agreement among the parties. The Court has not yet entered a scheduling order in this case.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
21 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
22 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
23 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
24 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
25 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
27 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and

1 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
2 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
3 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
4 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
5 seeks discovery not limited to the relevant time period regarding the facts at issue in this
6 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
7 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

8 Subject to and without waiver of these objections and Plaintiff’s General Objections,
9 Plaintiff responds as follows:

10 The Court has not yet entered a scheduling order in this case; the Court has not set a date
11 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
12 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
13 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
14 Request as this action and discovery proceed. Subject to the foregoing objections and to the
15 extent consistent with the same, Plaintiff states that she has produced material responsive to this
16 Request and states that she will conduct a reasonable search for documents as appropriate and,
17 as discovery proceeds, will produce, before the close of discovery in accordance with any
18 scheduling order that the Court will issue in this case, responsive and relevant documents that
19 are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and
20 control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the
21 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
22 the scope of this Request.

23 **REQUEST FOR PRODUCTION NO. 170:**

24 All DOCUMENTS that EVIDENCE any efforts made by PLAINTIFF to obtain work
25 other than with KIRKLAND during her employment with KIRKLAND.

26 **RESPONSE TO REQUEST FOR PRODUCTION 170:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
11 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
12 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
13 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
14 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
15 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
16 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
17 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
18 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P.
19 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
20 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
22 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
23 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
24 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
25 production of electronically stored information, to the extent this Request seeks “[a]ll”
26 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
27 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

1 expense. Plaintiff further objects to this Request because it seeks production of electronically
2 stored information, including seeking discovery of duplicative and/or cumulative electronically
3 stored information, including without limitation to the extent this Request seeks “[a]ll”
4 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
5 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
6 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
7 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
8 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
9 stored information from sources that are not reasonably accessible because of undue burden or
10 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
11 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
12 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
13 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
14 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
15 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
16 objects to this Request to the extent it seeks production of electronically stored information in
17 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
18 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
19 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
20 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
21 graphic material, however produced or reproduced and all other tangible objects, including, but
22 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
23 specified means] or other means” “and all drafts and summaries thereof” “and any
24 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
25 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
26 produced” where “a document was prepared and several copies were made or if additional
27 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production

1 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
2 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
3 defendants' possession, custody, or control; and/or are or should be available to Defendant and
4 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
5 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
6 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
7 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
8 including because the sought discovery is should be in Kirkland's or its co-defendants'
9 possession, custody, or control, the importance of the discovery sought from Plaintiff in
10 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
11 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
12 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
13 of the case, and a seeking discovery outside the scope of discovery permitted or required under
14 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
15 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
16 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
18 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
19 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
20 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
21 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
22 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
23 recorded or graphic material, however produced or reproduced and all other tangible objects,
24 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
25 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
26 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
27 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
3 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
4 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
5 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
6 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
7 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
8 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
9 and government and government agency of every nature or type”; and/or to the extent this
10 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
11 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
12 envelopes, explanatory notes or memoranda, and any other material that accompanied the
13 document(s)” and “[i]f the specific document elicited a response, that response is also to be
14 identified and produced” and “[i]f the document was itself a response, the document to which it
15 responded is also to be identified and produced.”

16 Plaintiff intends to produce electronically stored information in a reasonably usable form.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
19 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
20 possession, custody, or control; and/or that is or should be available to Defendant and more
21 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

22 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
23 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
24 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
25 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
26 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
27 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

1 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
2 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
3 applicable privilege or protection, including without limitation the psychotherapist-patient
4 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
5 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
6 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
7 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
8 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
9 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
10 agreement among the parties. The Court has not yet entered a scheduling order in this case.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
12 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
13 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
14 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
15 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
16 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
18 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
19 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
20 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
21 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
22 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
23 seeks discovery not limited to the relevant time period regarding the facts at issue in this
24 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
25 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

26 Subject to and without waiver of these objections and Plaintiff's General Objections,
27 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff states that she is not in possession of documents
7 responsive to this Request.

8 **REQUEST FOR PRODUCTION NO. 171:**

9 All DOCUMENTS that EVIDENCE any jobs held by PLAINTIFF, contracts worked on
10 by PLAINTIFF, or consulting work done by PLAINTIFF since PLAINTIFF'S employment
11 with KIRKLAND ended, including, but not limited to, all DOCUMENTS that describe any of
12 the following: the job held, the dates of employment or work performed for the job(s), the
13 reasons for termination (if applicable), PLAINTIFF'S job performance in the job(s), and
14 PLAINTIFF'S compensation and benefits for the job(s).

15 **RESPONSE TO REQUEST FOR PRODUCTION 171:**

16 In addition to the foregoing General Objections, each of which is specifically
17 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
18 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
19 calculated to lead to the discovery of admissible evidence and that is not proportional to the
20 needs of this case, and as seeking discovery outside the permissible scope under the Federal
21 Rules and/or other applicable law.

22 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
23 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
24 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
25 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
26 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
27 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly

1 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 2 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 3 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 4 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 5 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 6 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P.
 7 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 8 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

9 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 10 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 11 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 12 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 13 production of electronically stored information, to the extent this Request seeks “[a]ll”
 14 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 15 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 17 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 18 objects to this Request to the extent it seeks production of electronically stored information
 19 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 20 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 22 it seeks production of electronically stored information that is unreasonably cumulative or
 23 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 24 seeks production of electronically stored information that is or can be obtained from some other
 25 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 26 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 27 production of electronically stored information that exceeds the scope of discovery permitted by
 28

1 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
2 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
3 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
4 considering the importance of the issues at stake in the action, the amount in controversy, the
5 parties' relative access to relevant information, including Kirkland's access to relevant
6 information because relevant information sought is or should be in Kirkland's possession,
7 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
8 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
9 the at most de minimis importance of cumulative and duplicative discovery requested ad
10 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
11 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
12 this Request to the extent it seeks production of electronically stored information that is not in
13 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
14 defendants' possession, custody, or control; and/or that is or should be available to Defendant
15 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
16 expense. Plaintiff further objects to this Request because it seeks production of electronically
17 stored information, including seeking discovery of duplicative and/or cumulative electronically
18 stored information, including without limitation to the extent this Request seeks "[a]ll"
19 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
20 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
21 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
22 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
23 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
24 stored information from sources that are not reasonably accessible because of undue burden or
25 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
26 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
27 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to

1 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
2 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
3 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
4 objects to this Request to the extent it seeks production of electronically stored information in
5 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
6 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
7 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
8 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
9 graphic material, however produced or reproduced and all other tangible objects, including, but
10 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
11 specified means] or other means" "and all drafts and summaries thereof" "and any
12 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
13 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
14 produced" where "a document was prepared and several copies were made or if additional
15 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
16 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
17 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or are or should be available to Defendant and
19 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
21 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
22 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
23 including because the sought discovery is should be in Kirkland's or its co-defendants'
24 possession, custody, or control, the importance of the discovery sought from Plaintiff in
25 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
26 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
27 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs

of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that accompanied the

document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll

DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she is not in possession of documents responsive to this Request. Plaintiff states that she has not held another job since Defendant terminated her.

REQUEST FOR PRODUCTION NO. 172:

All DOCUMENTS that EVIDENCE PLAINTIFF’S contention that KIRKLAND acted with malice, oppression, or fraud.

RESPONSE TO REQUEST FOR PRODUCTION 172:

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
11 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
12 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
13 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
14 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
15 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
16 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
17 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
18 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P.
19 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
20 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
22 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
23 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
24 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
25 production of electronically stored information, to the extent this Request seeks “[a]ll”
26 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
27 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production

1 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
2 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
3 defendants' possession, custody, or control; and/or are or should be available to Defendant and
4 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
5 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
6 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
7 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
8 including because the sought discovery is should be in Kirkland's or its co-defendants'
9 possession, custody, or control, the importance of the discovery sought from Plaintiff in
10 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
11 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
12 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
13 of the case, and a seeking discovery outside the scope of discovery permitted or required under
14 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
15 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
16 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
18 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
19 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
20 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
21 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
22 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
23 recorded or graphic material, however produced or reproduced and all other tangible objects,
24 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
25 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
26 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
27 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
3 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
4 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
5 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
6 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
7 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
8 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
9 and government and government agency of every nature or type”; and/or to the extent this
10 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
11 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
12 envelopes, explanatory notes or memoranda, and any other material that accompanied the
13 document(s)” and “[i]f the specific document elicited a response, that response is also to be
14 identified and produced” and “[i]f the document was itself a response, the document to which it
15 responded is also to be identified and produced.”

16 Plaintiff intends to produce electronically stored information in a reasonably usable form.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
19 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
20 possession, custody, or control; and/or that is or should be available to Defendant and more
21 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

22 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
23 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
24 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
25 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
26 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
27 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

1 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
2 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
3 applicable privilege or protection, including without limitation the psychotherapist-patient
4 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
5 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
6 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
7 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
8 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
9 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
10 agreement among the parties. The Court has not yet entered a scheduling order in this case.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
12 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
13 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
14 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
15 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
16 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
18 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
19 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
20 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
21 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
22 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
23 seeks discovery not limited to the relevant time period regarding the facts at issue in this
24 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
25 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

26 Subject to and without waiver of these objections and Plaintiff's General Objections,
27 Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 173:

All DOCUMENTS that EVIDENCE the basis for, and the computation of, PLAINTIFF'S alleged damages.

RESPONSE TO REQUEST FOR PRODUCTION 173:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);

1 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 2 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 3 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 4 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 5 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 6 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 7 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P.
 8 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
 9 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 11 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 12 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 13 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 14 production of electronically stored information, to the extent this Request seeks “[a]ll”
 15 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 16 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 18 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 19 objects to this Request to the extent it seeks production of electronically stored information
 20 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 21 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 22 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 23 it seeks production of electronically stored information that is unreasonably cumulative or
 24 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 25 seeks production of electronically stored information that is or can be obtained from some other
 26 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 27 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks

1 production of electronically stored information that exceeds the scope of discovery permitted by
2 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
3 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
4 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
5 considering the importance of the issues at stake in the action, the amount in controversy, the
6 parties' relative access to relevant information, including Kirkland's access to relevant
7 information because relevant information sought is or should be in Kirkland's possession,
8 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
9 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
10 the at most de minimis importance of cumulative and duplicative discovery requested ad
11 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
12 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
13 this Request to the extent it seeks production of electronically stored information that is not in
14 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
15 defendants' possession, custody, or control; and/or that is or should be available to Defendant
16 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff further objects to this Request because it seeks production of electronically
18 stored information, including seeking discovery of duplicative and/or cumulative electronically
19 stored information, including without limitation to the extent this Request seeks "[a]ll"
20 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
21 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
22 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
23 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
24 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
25 stored information from sources that are not reasonably accessible because of undue burden or
26 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
27 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"

1 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
2 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
3 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
4 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information in
6 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
7 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
8 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
9 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
10 graphic material, however produced or reproduced and all other tangible objects, including, but
11 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
12 specified means] or other means" "and all drafts and summaries thereof" "and any
13 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
14 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
15 produced" where "a document was prepared and several copies were made or if additional
16 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
17 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
18 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or are or should be available to Defendant and
20 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
22 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
23 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
24 including because the sought discovery is should be in Kirkland's or its co-defendants'
25 possession, custody, or control, the importance of the discovery sought from Plaintiff in
26 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
27 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,

1 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
2 of the case, and a seeking discovery outside the scope of discovery permitted or required under
3 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
4 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
5 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
6 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
7 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
8 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
9 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
11 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
12 recorded or graphic material, however produced or reproduced and all other tangible objects,
13 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
14 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
15 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
16 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
19 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
20 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
21 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
22 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
23 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
24 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
25 and government and government agency of every nature or type”; and/or to the extent this
26 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
27 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all

1 envelopes, explanatory notes or memoranda, and any other material that accompanied the
2 document(s)” and “[i]f the specific document elicited a response, that response is also to be
3 identified and produced” and “[i]f the document was itself a response, the document to which it
4 responded is also to be identified and produced.”

5 Plaintiff intends to produce electronically stored information in a reasonably usable form.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
8 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
9 possession, custody, or control; and/or that is or should be available to Defendant and more
10 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

11 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
12 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
13 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
14 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
15 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
16 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
17 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
18 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
19 applicable privilege or protection, including without limitation the psychotherapist-patient
20 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
21 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
22 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
23 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
24 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
25 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
26 agreement among the parties. The Court has not yet entered a scheduling order in this case.

1 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
2 full response until after further discovery is conducted.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
15 seeks discovery not limited to the relevant time period regarding the facts at issue in this
16 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
17 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed. Subject to the foregoing objections and to the
25 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
26 documents as appropriate and, as discovery proceeds, will produce, before the close of
27 discovery in accordance with any scheduling order that the Court will issue in this case,

responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 174:

All DOCUMENTS in PLAINTIFF's possession that KIRKLAND provided to PLAINTIFF or that PLAINTIFF obtained from KIRKLAND.

RESPONSE TO REQUEST FOR PRODUCTION 174:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive, and as seeking discovery outside the permissible scope under the Federal Rules of Civil Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to the use of the verbiage "[a]ll DOCUMENTS in PLAINTIFF's possession" that "KIRKLAND provided to PLAINTIFF or that PLAINTIFF obtained from KIRKLAND" and because it is not tied to claims at issue in the litigation.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Request Nos. 155 and 181. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery

outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by

1 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
2 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
3 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
4 considering the importance of the issues at stake in the action, the amount in controversy, the
5 parties' relative access to relevant information, including Kirkland's access to relevant
6 information because relevant information sought is or should be in Kirkland's possession,
7 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
8 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
9 the at most de minimis importance of cumulative and duplicative discovery requested ad
10 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
11 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
12 this Request to the extent it seeks production of electronically stored information that is not in
13 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
14 defendants' possession, custody, or control; and/or that is or should be available to Defendant
15 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
16 expense. Plaintiff further objects to this Request because it seeks production of electronically
17 stored information, including seeking discovery of duplicative and/or cumulative electronically
18 stored information, including without limitation to the extent this Request seeks "[a]ll"
19 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
20 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
21 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
22 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
23 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
24 stored information from sources that are not reasonably accessible because of undue burden or
25 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
26 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
27 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to

1 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
2 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
3 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
4 objects to this Request to the extent it seeks production of electronically stored information in
5 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
6 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
7 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
8 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
9 graphic material, however produced or reproduced and all other tangible objects, including, but
10 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
11 specified means] or other means" "and all drafts and summaries thereof" "and any
12 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
13 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
14 produced" where "a document was prepared and several copies were made or if additional
15 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
16 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
17 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or are or should be available to Defendant and
19 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
21 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
22 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
23 including because the sought discovery is should be in Kirkland's or its co-defendants'
24 possession, custody, or control, the importance of the discovery sought from Plaintiff in
25 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
26 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
27 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs

1 of the case, and a seeking discovery outside the scope of discovery permitted or required under
2 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
3 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
4 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
5 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
6 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
7 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
8 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
9 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
10 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
11 recorded or graphic material, however produced or reproduced and all other tangible objects,
12 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
13 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
14 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
15 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
16 produced” where “a document was prepared and several copies were made or if additional
17 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
18 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
19 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
20 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
21 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
22 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
23 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
24 and government and government agency of every nature or type”; and/or to the extent this
25 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
26 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
27 envelopes, explanatory notes or memoranda, and any other material that accompanied the

document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll

DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 175:

PLAINTIFF's resume, including but not limited to all drafts, prior versions, and current versions within the last 5 years.

RESPONSE TO REQUEST FOR PRODUCTION 175:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in

the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to

1 this Request to the extent it seeks production of electronically stored information that is not in
 2 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 3 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 4 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 5 expense. Plaintiff further objects to this Request because it seeks production of electronically
 6 stored information, including seeking discovery of duplicative and/or cumulative electronically
 7 stored information, including without limitation to the extent this Request seeks "[a]ll"
 8 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 9 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
 10 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 11 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 12 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 13 stored information from sources that are not reasonably accessible because of undue burden or
 14 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 15 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 16 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
 17 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
 18 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
 19 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
 20 objects to this Request to the extent it seeks production of electronically stored information in
 21 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
 22 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
 23 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 24 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 25 graphic material, however produced or reproduced and all other tangible objects, including, but
 26 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 27 specified means] or other means" "and all drafts and summaries thereof" "and any

DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects,

1 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
2 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
3 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
4 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
5 produced” where “a document was prepared and several copies were made or if additional
6 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
7 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
8 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
9 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
10 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
11 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
12 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
13 and government and government agency of every nature or type”; and/or to the extent this
14 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
15 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
16 envelopes, explanatory notes or memoranda, and any other material that accompanied the
17 document(s)” and “[i]f the specific document elicited a response, that response is also to be
18 identified and produced” and “[i]f the document was itself a response, the document to which it
19 responded is also to be identified and produced.”

20 Plaintiff intends to produce electronically stored information in a reasonably usable form.

21 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
22 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
23 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
24 possession, custody, or control; and/or that is or should be available to Defendant and more
25 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

26 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
27 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is

1 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
2 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
3 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
4 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
5 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
6 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
7 applicable privilege or protection, including without limitation the psychotherapist-patient
8 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
9 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
10 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
11 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
12 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
13 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
14 agreement among the parties. The Court has not yet entered a scheduling order in this case.

15 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
16 full response until after further discovery is conducted.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
19 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
20 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
21 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
22 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
23 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
24 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
25 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
26 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
27 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
28

1 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
2 seeks discovery not limited to the relevant time period regarding the facts at issue in this
3 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
4 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

5 Subject to and without waiver of these objections and Plaintiff’s General Objections,
6 Plaintiff responds as follows:

7 The Court has not yet entered a scheduling order in this case; the Court has not set a date
8 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
9 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
10 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
11 Request as this action and discovery proceed. Subject to the foregoing objections and to the
12 extent consistent with the same, Plaintiff states that she has produced material responsive to this
13 Request.

14 **REQUEST FOR PRODUCTION NO. 176:**

15 All DOCUMENTS that EVIDENCE any lawsuit, government agency charge or
16 complaint made by PLAINTIFF against anyone within the last five years.

17 **RESPONSE TO REQUEST FOR PRODUCTION 176:**

18 In addition to the foregoing General Objections, each of which is specifically
19 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
20 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
21 calculated to lead to the discovery of admissible evidence and that is not proportional to the
22 needs of this case, and as seeking discovery outside the permissible scope under the Federal
23 Rules and/or other applicable law.

24 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
25 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
26 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
27 duplicative of discovery sought in other Requests, including Request No. 52. *See, e.g.*, Fed. R.

Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-

1 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
2 production of electronically stored information that exceeds the scope of discovery permitted by
3 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
4 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
5 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
6 considering the importance of the issues at stake in the action, the amount in controversy, the
7 parties' relative access to relevant information, including Kirkland's access to relevant
8 information because relevant information sought is or should be in Kirkland's possession,
9 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
10 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
11 the at most de minimis importance of cumulative and duplicative discovery requested ad
12 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
13 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
14 this Request to the extent it seeks production of electronically stored information that is not in
15 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
16 defendants' possession, custody, or control; and/or that is or should be available to Defendant
17 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
18 expense. Plaintiff further objects to this Request because it seeks production of electronically
19 stored information, including seeking discovery of duplicative and/or cumulative electronically
20 stored information, including without limitation to the extent this Request seeks "[a]ll"
21 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
22 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
23 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
24 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
25 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
26 stored information from sources that are not reasonably accessible because of undue burden or
27 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"

incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-defendants' possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs

its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested

1 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
2 envelopes, explanatory notes or memoranda, and any other material that accompanied the
3 document(s)” and “[i]f the specific document elicited a response, that response is also to be
4 identified and produced” and “[i]f the document was itself a response, the document to which it
5 responded is also to be identified and produced.”

6 Plaintiff intends to produce electronically stored information in a reasonably usable form.

7 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
8 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
9 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
10 possession, custody, or control; and/or that is or should be available to Defendant and more
11 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

12 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
13 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
14 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
15 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
16 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
17 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
18 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
19 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
20 applicable privilege or protection, including without limitation the psychotherapist-patient
21 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
22 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
23 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
24 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
25 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
26 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
27 agreement among the parties. The Court has not yet entered a scheduling order in this case.

1 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
2 full response until after further discovery is conducted.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
15 seeks discovery not limited to the relevant time period regarding the facts at issue in this
16 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
17 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed. Subject to the foregoing objections and to the
25 extent consistent with the same, Plaintiff states that she has produced material responsive to this
26 Request.

27 **REQUEST FOR PRODUCTION NO. 177:**

1 All DOCUMENTS that EVIDENCE any discipline PLAINTIFF received while working
2 for KIRKLAND.

3 **RESPONSE TO REQUEST FOR PRODUCTION 177:**

4 In addition to the foregoing General Objections, each of which is specifically
5 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
6 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
7 calculated to lead to the discovery of admissible evidence and that is not proportional to the
8 needs of this case, and as seeking discovery outside the permissible scope under the Federal
9 Rules and/or other applicable law.

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
11 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
12 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
13 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
14 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
15 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
16 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
17 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
18 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
19 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
20 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
21 “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
22 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
23 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

24 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
25 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
26 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
27 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to

1 production of electronically stored information, to the extent this Request seeks “[a]ll”
2 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
3 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
4 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
5 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
6 objects to this Request to the extent it seeks production of electronically stored information
7 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
8 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
10 it seeks production of electronically stored information that is unreasonably cumulative or
11 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
12 seeks production of electronically stored information that is or can be obtained from some other
13 source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-
14 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
15 production of electronically stored information that exceeds the scope of discovery permitted by
16 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
17 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
18 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
19 considering the importance of the issues at stake in the action, the amount in controversy, the
20 parties’ relative access to relevant information, including Kirkland’s access to relevant
21 information because relevant information sought is or should be in Kirkland’s possession,
22 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
23 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
24 the at most de minimis importance of cumulative and duplicative discovery requested ad
25 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
26 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
27 this Request to the extent it seeks production of electronically stored information that is not in

1 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
2 defendants' possession, custody, or control; and/or that is or should be available to Defendant
3 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
4 expense. Plaintiff further objects to this Request because it seeks production of electronically
5 stored information, including seeking discovery of duplicative and/or cumulative electronically
6 stored information, including without limitation to the extent this Request seeks "[a]ll"
7 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
8 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
9 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
10 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
11 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
12 stored information from sources that are not reasonably accessible because of undue burden or
13 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
14 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
15 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
16 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
17 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
18 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
19 to this Request to the extent it seeks production of electronically stored information in more than
20 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
21 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
22 objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
23 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
24 graphic material, however produced or reproduced and all other tangible objects, including, but
25 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
26 specified means] or other means" "and all drafts and summaries thereof" "and any
27 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule

1 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
2 produced” where “a document was prepared and several copies were made or if additional
3 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
4 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
5 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
6 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
7 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
8 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
9 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
10 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
11 including because the sought discovery is should be in Kirkland’s or its co-defendants’
12 possession, custody, or control, the importance of the discovery sought from Plaintiff in
13 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
14 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
15 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
16 of the case, and a seeking discovery outside the scope of discovery permitted or required under
17 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
18 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
19 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
21 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
22 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
23 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
25 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
26 recorded or graphic material, however produced or reproduced and all other tangible objects,
27 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether

1 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
2 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
3 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
4 produced” where “a document was prepared and several copies were made or if additional
5 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
6 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
7 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
8 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
9 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
10 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
11 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
12 and government and government agency of every nature or type”; and/or to the extent this
13 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
14 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
15 envelopes, explanatory notes or memoranda, and any other material that accompanied the
16 document(s)” and “[i]f the specific document elicited a response, that response is also to be
17 identified and produced” and “[i]f the document was itself a response, the document to which it
18 responded is also to be identified and produced.”

19 Plaintiff intends to produce electronically stored information in a reasonably usable form.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
21 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that
22 does not exist and therefore is outside of Plaintiff’s possession, custody, or control.

23 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
24 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
25 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
26 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
27 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
28

Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

This Request seeks material that does not exist and never existed.

REQUEST FOR PRODUCTION NO. 178:

All DOCUMENTS that EVIDENCE any statement, action, conduct or behavior by ANY DEFENDANT or an employee of KIRKLAND that PLAINTIFF contends is inappropriate, discriminatory, retaliatory, harassing or otherwise unlawful.

RESPONSE TO REQUEST FOR PRODUCTION 178:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive, and as seeking discovery outside the permissible scope under the Federal Rules of Civil Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to

the use of the verbiage “any statement, action, conduct or behavior” “by ANY DEFENDANT or an employee of KIRKLAND” “that PLAINTIFF contends is inappropriate, discriminatory, harassing, retaliatory or otherwise unlawful” and because it is not tied to claims at issue in the litigation.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Request Nos. 152 and 156. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.

26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically

1 stored information, including seeking discovery of duplicative and/or cumulative electronically
2 stored information, including without limitation to the extent this Request seeks “[a]ll”
3 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
4 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
5 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
6 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
7 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
8 stored information from sources that are not reasonably accessible because of undue burden or
9 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
10 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
11 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
12 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
13 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
14 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
15 objects to this Request to the extent it seeks production of electronically stored information in
16 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
17 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
18 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
19 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
20 graphic material, however produced or reproduced and all other tangible objects, including, but
21 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
22 specified means] or other means” “and all drafts and summaries thereof” “and any
23 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
24 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
25 produced” where “a document was prepared and several copies were made or if additional
26 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
27 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they

are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-defendants' possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional

1 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
2 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
3 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
4 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
5 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
6 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
7 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
8 and government and government agency of every nature or type”; and/or to the extent this
9 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
10 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
11 envelopes, explanatory notes or memoranda, and any other material that accompanied the
12 document(s)” and “[i]f the specific document elicited a response, that response is also to be
13 identified and produced” and “[i]f the document was itself a response, the document to which it
14 responded is also to be identified and produced.”

15 Plaintiff intends to produce electronically stored information in a reasonably usable form.

16 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
17 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
18 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
19 possession, custody, or control; and/or that is or should be available to Defendant and more
20 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

21 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
22 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
23 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
24 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
25 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
26 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
27 Plaintiff also objects to this Request to the extent it seeks information that is protected by the

1 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
2 applicable privilege or protection, including without limitation the psychotherapist-patient
3 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
4 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
5 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
6 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
7 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
8 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
9 agreement among the parties. The Court has not yet entered a scheduling order in this case.

10 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
11 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
12 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
13 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
14 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
15 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
17 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
18 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
19 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
20 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
21 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
22 seeks discovery not limited to the relevant time period regarding the facts at issue in this
23 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
24 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

25 Subject to and without waiver of these objections and Plaintiff's General Objections,
26 Plaintiff responds as follows:
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1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff states that she has produced material responsive to this
7 Request and states that she will conduct a reasonable search for documents as appropriate and,
8 as discovery proceeds, will produce, before the close of discovery in accordance with any
9 scheduling order that the Court will issue in this case, responsive and relevant documents that
10 are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and
11 control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the
12 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
13 the scope of this Request.

14 **REQUEST FOR PRODUCTION NO. 179:**

15 All DOCUMENTS that EVIDENCE any physical injuries, physical harm or physical
16 distress suffered by PLAINTIFF, including but not limited to correspondence, bills, reports,
17 diagnoses, prescriptions, medical records, or treatment plans for any medical or psychological
18 counseling or treatment received by PLAINTIFF from November 16, 2015 to the present.

19 **RESPONSE TO REQUEST FOR PRODUCTION 179:**

20 In addition to the foregoing General Objections, each of which is specifically
21 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
22 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
23 calculated to lead to the discovery of admissible evidence and that is not proportional to the
24 needs of this case, and as seeking discovery outside the permissible scope under the Federal
25 Rules and/or other applicable law.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll

DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Request Nos. 113, 123, 150–51, 166–67, 189–90. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.

26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
22 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
23 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
24 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
25 objects to this Request to the extent it seeks production of electronically stored information in
26 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
27 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).

1 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
5 full response until after further discovery is conducted.

6 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
7 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
8 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
9 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
10 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
11 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
12 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
13 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
14 applicable privilege or protection, including without limitation the psychotherapist-patient
15 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
16 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
17 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
18 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
19 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
20 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
21 agreement among the parties. The Court has not yet entered a scheduling order in this case.

22 Subject to and without waiver of these objections and Plaintiff's General Objections,
23 Plaintiff responds as follows:

24 The Court has not yet entered a scheduling order in this case; the Court has not set a date
25 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
26 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
27 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this

Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 180:

All DOCUMENTS that EVIDENCE PLAINTIFF'S termination of employment from KIRKLAND.

RESPONSE TO REQUEST FOR PRODUCTION 180:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS,"

1 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 2 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 3 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P.
 4 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 5 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

6 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 7 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 8 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 9 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 10 production of electronically stored information, to the extent this Request seeks “[a]ll”
 11 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 12 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 14 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 15 objects to this Request to the extent it seeks production of electronically stored information
 16 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 17 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 18 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 19 it seeks production of electronically stored information that is unreasonably cumulative or
 20 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 21 seeks production of electronically stored information that is or can be obtained from some other
 22 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 23 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 24 production of electronically stored information that exceeds the scope of discovery permitted by
 25 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 26 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
 27 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,

1 considering the importance of the issues at stake in the action, the amount in controversy, the
2 parties' relative access to relevant information, including Kirkland's access to relevant
3 information because relevant information sought is or should be in Kirkland's possession,
4 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
5 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
6 the at most de minimis importance of cumulative and duplicative discovery requested ad
7 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
8 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
9 this Request to the extent it seeks production of electronically stored information that is not in
10 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
11 defendants' possession, custody, or control; and/or that is or should be available to Defendant
12 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
13 expense. Plaintiff further objects to this Request because it seeks production of electronically
14 stored information, including seeking discovery of duplicative and/or cumulative electronically
15 stored information, including without limitation to the extent this Request seeks "[a]ll"
16 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
17 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
18 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
19 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
20 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
21 stored information from sources that are not reasonably accessible because of undue burden or
22 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
23 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
24 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
25 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
26 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
27 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff

objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require

1 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
3 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
4 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
5 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
7 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
8 recorded or graphic material, however produced or reproduced and all other tangible objects,
9 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
10 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
11 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
12 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
13 produced” where “a document was prepared and several copies were made or if additional
14 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
15 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
16 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
17 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
18 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
19 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
20 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
21 and government and government agency of every nature or type”; and/or to the extent this
22 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
23 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
24 envelopes, explanatory notes or memoranda, and any other material that accompanied the
25 document(s)” and “[i]f the specific document elicited a response, that response is also to be
26 identified and produced” and “[i]f the document was itself a response, the document to which it
27 responded is also to be identified and produced.”

1 Plaintiff intends to produce electronically stored information in a reasonably usable form.

2 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
3 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
4 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
5 possession, custody, or control; and/or that is or should be available to Defendant and more
6 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

7 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
8 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
9 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
10 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
11 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
12 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
13 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
14 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
15 applicable privilege or protection, including without limitation the psychotherapist-patient
16 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
17 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
18 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
19 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
20 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
21 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
22 agreement among the parties. The Court has not yet entered a scheduling order in this case.

23 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
24 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
25 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
26 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
27 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal

Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she has produced material responsive to this Request and states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 181:

1 All DOCUMENTS, including but not limited to DOCUMENTS removed from or
2 maintained in files, or on disks or CDs, or on a computer hard drive, that were at any time
3 obtained, received or removed by PLAINTIFF from KIRKLAND'S premises during
4 PLAINTIFF'S employment or after PLAINTIFF'S employment ended.

5 **RESPONSE TO REQUEST FOR PRODUCTION 181:**

6 In addition to the foregoing General Objections, each of which is specifically
7 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
8 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
9 calculated to lead to the discovery of admissible evidence and that is not proportional to the
10 needs of this case, and as seeking discovery outside the permissible scope under the Federal
11 Rules and/or other applicable law.

12 Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive,
13 and as seeking discovery outside the permissible scope under the Federal Rules of Civil
14 Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to
15 the use of the verbiage "removed from," "maintained in," "on disks or CDs," "obtained,
16 received or removed by PLAINTIFF," and "KIRKLAND'S premises" and because it is not tied
17 to claims at issue in the litigation.

18 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
19 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
20 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
21 duplicative of discovery sought in other Requests, including Request No. 155. *See, e.g.*, Fed. R.
22 Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed.
23 R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as
24 overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope
25 permissible under the Federal Rules of Civil Procedure and/or other applicable law because it
26 seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll"
27 "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a

1 non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)”
 2 and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed.
 3 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,*
 4 Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

5 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 6 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 7 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 8 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 9 production of electronically stored information, to the extent this Request seeks “[a]ll”
 10 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 11 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 12 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 13 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 14 objects to this Request to the extent it seeks production of electronically stored information
 15 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 16 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 18 it seeks production of electronically stored information that is unreasonably cumulative or
 19 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 20 seeks production of electronically stored information that is or can be obtained from some other
 21 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 22 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 23 production of electronically stored information that exceeds the scope of discovery permitted by
 24 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 25 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
 26 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
 27 considering the importance of the issues at stake in the action, the amount in controversy, the

1 parties' relative access to relevant information, including Kirkland's access to relevant
2 information because relevant information sought is or should be in Kirkland's possession,
3 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
4 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
5 the at most de minimis importance of cumulative and duplicative discovery requested ad
6 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
7 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
8 this Request to the extent it seeks production of electronically stored information that is not in
9 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
10 defendants' possession, custody, or control; and/or that is or should be available to Defendant
11 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff further objects to this Request because it seeks production of electronically
13 stored information, including seeking discovery of duplicative and/or cumulative electronically
14 stored information, including without limitation to the extent this Request seeks "[a]ll"
15 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
16 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
17 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
18 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
19 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
20 stored information from sources that are not reasonably accessible because of undue burden or
21 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
22 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
23 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
24 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
25 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
26 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
27 objects to this Request to the extent it seeks production of electronically stored information in

1 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
2 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
3 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
4 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
5 graphic material, however produced or reproduced and all other tangible objects, including, but
6 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
7 specified means] or other means” “and all drafts and summaries thereof” “and any
8 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
9 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
12 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
13 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
14 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
15 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
16 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
17 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
18 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
19 including because the sought discovery is should be in Kirkland’s or its co-defendants’
20 possession, custody, or control, the importance of the discovery sought from Plaintiff in
21 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
22 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
23 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
24 of the case, and a seeking discovery outside the scope of discovery permitted or required under
25 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
26 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
27 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

1 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
2 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
3 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
4 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
5 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
6 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
7 recorded or graphic material, however produced or reproduced and all other tangible objects,
8 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
9 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
10 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
11 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
12 produced” where “a document was prepared and several copies were made or if additional
13 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
14 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
15 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
16 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
17 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
18 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
19 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
20 and government and government agency of every nature or type”; and/or to the extent this
21 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
22 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
23 envelopes, explanatory notes or memoranda, and any other material that accompanied the
24 document(s)” and “[i]f the specific document elicited a response, that response is also to be
25 identified and produced” and “[i]f the document was itself a response, the document to which it
26 responded is also to be identified and produced.”

27 Plaintiff intends to produce electronically stored information in a reasonably usable form.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
3 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
4 possession, custody, or control; and/or that is or should be available to Defendant and more
5 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

6 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
7 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
8 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
9 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
10 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
11 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
12 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
13 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
14 applicable privilege or protection, including without limitation the psychotherapist-patient
15 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
16 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
17 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
18 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
19 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
20 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
21 agreement among the parties. The Court has not yet entered a scheduling order in this case.

22 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
23 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
24 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
25 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
26 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
27 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 182:

1 All DOCUMENTS that EVIDENCE any income earned or received by PLAINTIFF
2 from any source since the termination of PLAINTIFF’S employment with KIRKLAND.

3 **RESPONSE TO REQUEST FOR PRODUCTION 182:**

4 In addition to the foregoing General Objections, each of which is specifically
5 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
6 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
7 calculated to lead to the discovery of admissible evidence and that is not proportional to the
8 needs of this case, and as seeking discovery outside the permissible scope under the Federal
9 Rules and/or other applicable law.

10 Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive,
11 and as seeking discovery outside the permissible scope under the Federal Rules of Civil
12 Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to
13 the use of the verbiage “income earned or received” and because it is not tied to claims at issue
14 in the litigation.

15 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
16 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
17 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
18 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
19 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
20 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
21 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
22 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
23 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
24 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
25 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
26 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P.

26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
22 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
23 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
24 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
25 objects to this Request to the extent it seeks production of electronically stored information in
26 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
27 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).

1 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
5 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
6 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
7 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
8 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
9 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
10 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
11 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
12 applicable privilege or protection, including without limitation the psychotherapist-patient
13 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
14 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
15 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
16 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
17 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
18 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
19 agreement among the parties. The Court has not yet entered a scheduling order in this case.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
21 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
22 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
23 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
24 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
25 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
27 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and

1 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
2 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
3 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
4 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
5 seeks discovery not limited to the relevant time period regarding the facts at issue in this
6 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
7 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

8 Subject to and without waiver of these objections and Plaintiff’s General Objections,
9 Plaintiff responds as follows:

10 The Court has not yet entered a scheduling order in this case; the Court has not set a date
11 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
12 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
13 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
14 Request as this action and discovery proceed. Subject to the foregoing objections and to the
15 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
16 documents as appropriate and, as discovery proceeds, will produce, before the close of
17 discovery in accordance with any scheduling order that the Court will issue in this case,
18 responsive and relevant documents that are neither privileged nor otherwise protected, are
19 within Plaintiff’s possession, custody and control, are reasonably accessible, and are located
20 from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that
21 she is willing to meet and confer regarding the scope of this Request. Plaintiff states that she
22 has not earned an income from a job since Defendant terminated her employment.

23 **REQUEST FOR PRODUCTION NO. 183:**

24 All DOCUMENTS that EVIDENCE PLAINTIFF’S application for or receipt of any
25 disability benefits since the termination of PLAINTIFF’S employment with KIRKLAND.

26 **RESPONSE TO REQUEST FOR PRODUCTION 183:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
11 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
12 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
13 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
14 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
15 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
16 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
17 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
18 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P.
19 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
20 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
22 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
23 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
24 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
25 production of electronically stored information, to the extent this Request seeks “[a]ll”
26 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
27 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

1 expense. Plaintiff further objects to this Request because it seeks production of electronically
2 stored information, including seeking discovery of duplicative and/or cumulative electronically
3 stored information, including without limitation to the extent this Request seeks “[a]ll”
4 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
5 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
6 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
7 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
8 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
9 stored information from sources that are not reasonably accessible because of undue burden or
10 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
11 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
12 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
13 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
14 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
15 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
16 objects to this Request to the extent it seeks production of electronically stored information in
17 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
18 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
19 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
20 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
21 graphic material, however produced or reproduced and all other tangible objects, including, but
22 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
23 specified means] or other means” “and all drafts and summaries thereof” “and any
24 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
25 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
26 produced” where “a document was prepared and several copies were made or if additional
27 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production

1 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
2 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
3 defendants' possession, custody, or control; and/or are or should be available to Defendant and
4 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
5 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
6 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
7 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
8 including because the sought discovery is should be in Kirkland's or its co-defendants'
9 possession, custody, or control, the importance of the discovery sought from Plaintiff in
10 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
11 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
12 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
13 of the case, and a seeking discovery outside the scope of discovery permitted or required under
14 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
15 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
16 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
18 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
19 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
20 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
21 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
22 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
23 recorded or graphic material, however produced or reproduced and all other tangible objects,
24 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
25 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
26 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
27 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
3 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
4 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
5 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
6 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
7 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
8 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
9 and government and government agency of every nature or type”; and/or to the extent this
10 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
11 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
12 envelopes, explanatory notes or memoranda, and any other material that accompanied the
13 document(s)” and “[i]f the specific document elicited a response, that response is also to be
14 identified and produced” and “[i]f the document was itself a response, the document to which it
15 responded is also to be identified and produced.”

16 Plaintiff intends to produce electronically stored information in a reasonably usable form.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
19 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
20 possession, custody, or control; and/or that is or should be available to Defendant and more
21 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

22 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
23 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
24 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
25 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
26 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
27 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

1 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
2 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
3 applicable privilege or protection, including without limitation the psychotherapist-patient
4 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
5 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
6 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
7 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
8 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
9 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
10 agreement among the parties. The Court has not yet entered a scheduling order in this case.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
12 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
13 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
14 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
15 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
16 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
18 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
19 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
20 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
21 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
22 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
23 seeks discovery not limited to the relevant time period regarding the facts at issue in this
24 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
25 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

26 Subject to and without waiver of these objections and Plaintiff's General Objections,
27 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
7 documents as appropriate and, as discovery proceeds, will produce, before the close of
8 discovery in accordance with any scheduling order that the Court will issue in this case,
9 responsive and relevant documents that are neither privileged nor otherwise protected, are
10 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
11 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
12 she is willing to meet and confer regarding the scope of this Request. Plaintiff states that she
13 has not applied for disability benefits since Defendant terminated her employment.

14 **REQUEST FOR PRODUCTION NO. 184:**

15 All DOCUMENTS that EVIDENCE claims for unemployment benefits filed, submitted,
16 or received by PLAINTIFF since the time of PLAINTIFF's termination of employment from
17 KIRKLAND, including but not limited to any COMMUNICATIONS with anyone regarding
18 such benefits.

19 **RESPONSE TO REQUEST FOR PRODUCTION 184:**

20 In addition to the foregoing General Objections, each of which is specifically
21 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
22 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
23 calculated to lead to the discovery of admissible evidence and that is not proportional to the
24 needs of this case, and as seeking discovery outside the permissible scope under the Federal
25 Rules and/or other applicable law.

26 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
27 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it

1 seeks production of electronically stored information that is or can be obtained from some other
2 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
3 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
4 production of electronically stored information that exceeds the scope of discovery permitted by
5 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
6 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
7 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
8 considering the importance of the issues at stake in the action, the amount in controversy, the
9 parties' relative access to relevant information, including Kirkland's access to relevant
10 information because relevant information sought is or should be in Kirkland's possession,
11 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
12 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
13 the at most de minimis importance of cumulative and duplicative discovery requested ad
14 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
15 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
16 this Request to the extent it seeks production of electronically stored information that is not in
17 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or that is or should be available to Defendant
19 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff further objects to this Request because it seeks production of electronically
21 stored information, including seeking discovery of duplicative and/or cumulative electronically
22 stored information, including without limitation to the extent this Request seeks "[a]ll"
23 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
24 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
25 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
26 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
27 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
28

1 stored information from sources that are not reasonably accessible because of undue burden or
2 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
3 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
4 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
5 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
6 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
7 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
8 objects to this Request to the extent it seeks production of electronically stored information in
9 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
10 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
11 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
12 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
13 graphic material, however produced or reproduced and all other tangible objects, including, but
14 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
15 specified means] or other means” “and all drafts and summaries thereof” “and any
16 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
17 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
18 produced” where “a document was prepared and several copies were made or if additional
19 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
20 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
21 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
22 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
23 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
25 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
26 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
27 including because the sought discovery is should be in Kirkland’s or its co-defendants’

possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement,

1 and government and government agency of every nature or type”; and/or to the extent this
2 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
3 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
4 envelopes, explanatory notes or memoranda, and any other material that accompanied the
5 document(s)” and “[i]f the specific document elicited a response, that response is also to be
6 identified and produced” and “[i]f the document was itself a response, the document to which it
7 responded is also to be identified and produced.”

8 Plaintiff intends to produce electronically stored information in a reasonably usable form.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
11 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
12 possession, custody, or control; and/or that is or should be available to Defendant and more
13 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

14 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
15 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
16 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
17 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
18 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
19 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
20 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
21 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
22 applicable privilege or protection, including without limitation the psychotherapist-patient
23 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
24 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
25 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
26 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
27 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
28

1 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
2 agreement among the parties. The Court has not yet entered a scheduling order in this case.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
15 seeks discovery not limited to the relevant time period regarding the facts at issue in this
16 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
17 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed. Subject to the foregoing objections and to the
25 extent consistent with the same, Plaintiff states that she has produced material responsive to this
26 Request and states that she will conduct a reasonable search for documents as appropriate and,
27 as discovery proceeds, will produce, before the close of discovery in accordance with any
28

scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 185:

All DOCUMENTS that EVIDENCE PLAINTIFF's contention that ANY DEFENDANT discriminated against PLAINTIFF on the basis of any protected category.

RESPONSE TO REQUEST FOR PRODUCTION 185:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P.

26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
22 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
23 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
24 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
25 objects to this Request to the extent it seeks production of electronically stored information in
26 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
27 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).

1 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
 2 possession, custody, or control; and/or that is or should be available to Defendant and more
 3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
 5 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
 6 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
 7 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
 8 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
 9 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
 10 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
 11 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
 12 applicable privilege or protection, including without limitation the psychotherapist-patient
 13 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
 14 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
 15 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
 16 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
 17 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
 18 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
 19 agreement among the parties. The Court has not yet entered a scheduling order in this case.

20 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 21 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
 22 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
 23 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
 24 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
 25 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
 26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
 27 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and

1 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
2 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
3 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
4 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
5 seeks discovery not limited to the relevant time period regarding the facts at issue in this
6 litigation. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
7 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

8 Subject to and without waiver of these objections and Plaintiff’s General Objections,
9 Plaintiff responds as follows:

10 The Court has not yet entered a scheduling order in this case; the Court has not set a date
11 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
12 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
13 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
14 Request as this action and discovery proceed. Subject to the foregoing objections and to the
15 extent consistent with the same, Plaintiff states that she has produced material responsive to this
16 Request and states that she will conduct a reasonable search for documents as appropriate and,
17 as discovery proceeds, will produce, before the close of discovery in accordance with any
18 scheduling order that the Court will issue in this case, responsive and relevant documents that
19 are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and
20 control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the
21 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
22 the scope of this Request.

23 **REQUEST FOR PRODUCTION NO. 186:**

24 All DOCUMENTS that EVIDENCE PLAINTIFF’s contention that ANY DEFENDANT
25 harassed PLAINTIFF on the basis of any protected category.

26 **RESPONSE TO REQUEST FOR PRODUCTION 186:**

1 In addition to the foregoing General Objections, each of which is specifically
2 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
3 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
4 calculated to lead to the discovery of admissible evidence and that is not proportional to the
5 needs of this case, and as seeking discovery outside the permissible scope under the Federal
6 Rules and/or other applicable law.

7 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
8 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
9 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
10 duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
11 *also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
12 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
13 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
14 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
15 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
16 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
17 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
18 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P.
19 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
20 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
22 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
23 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
24 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
25 production of electronically stored information, to the extent this Request seeks “[a]ll”
26 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
27 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.

Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive *e.g.*, from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, including Kirkland's access to relevant information because relevant information sought is or should be in Kirkland's possession, custody, or control; the parties' resources, including Kirkland's vast and expanse resources and Plaintiff's limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and

1 expense. Plaintiff further objects to this Request because it seeks production of electronically
2 stored information, including seeking discovery of duplicative and/or cumulative electronically
3 stored information, including without limitation to the extent this Request seeks “[a]ll”
4 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
5 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
6 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
7 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
8 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
9 stored information from sources that are not reasonably accessible because of undue burden or
10 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
11 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
12 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
13 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
14 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
15 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
16 objects to this Request to the extent it seeks production of electronically stored information in
17 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
18 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
19 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
20 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
21 graphic material, however produced or reproduced and all other tangible objects, including, but
22 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
23 specified means] or other means” “and all drafts and summaries thereof” “and any
24 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
25 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
26 produced” where “a document was prepared and several copies were made or if additional
27 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production

1 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
2 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
3 defendants' possession, custody, or control; and/or are or should be available to Defendant and
4 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
5 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
6 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
7 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
8 including because the sought discovery is should be in Kirkland's or its co-defendants'
9 possession, custody, or control, the importance of the discovery sought from Plaintiff in
10 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
11 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
12 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
13 of the case, and a seeking discovery outside the scope of discovery permitted or required under
14 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests "[a]ll
15 DOCUMENTS," which includes "all drafts and summaries thereof" and purports to require
16 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
18 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
19 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
20 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
21 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll" "DOCUMENTS," to
22 the extent "DOCUMENT(S)" "means and includes, but is not limited to: any and all written,
23 recorded or graphic material, however produced or reproduced and all other tangible objects,
24 including, but not limited to," 76 enumerated categories, in addition to "all other data whether
25 recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and
26 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
27 Rule 1001 of the Federal Rules of EVIDENCE," to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
3 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
4 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
5 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
6 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
7 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
8 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
9 and government and government agency of every nature or type”; and/or to the extent this
10 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
11 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
12 envelopes, explanatory notes or memoranda, and any other material that accompanied the
13 document(s)” and “[i]f the specific document elicited a response, that response is also to be
14 identified and produced” and “[i]f the document was itself a response, the document to which it
15 responded is also to be identified and produced.”

16 Plaintiff intends to produce electronically stored information in a reasonably usable form.

17 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
18 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
19 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
20 possession, custody, or control; and/or that is or should be available to Defendant and more
21 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

22 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
23 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
24 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
25 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
26 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
27 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.

1 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
 2 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
 3 applicable privilege or protection, including without limitation the psychotherapist-patient
 4 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
 5 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
 6 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
 7 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
 8 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
 9 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
 10 agreement among the parties. The Court has not yet entered a scheduling order in this case.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
 12 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
 13 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
 14 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
 15 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
 16 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
 17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
 18 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
 19 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
 20 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
 21 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
 22 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
 23 seeks discovery not limited to the relevant time period regarding the facts at issue in this
 24 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
 25 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

26 Subject to and without waiver of these objections and Plaintiff's General Objections,
 27 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff states that she has produced material responsive to this
7 Request and states that she will conduct a reasonable search for documents as appropriate and,
8 as discovery proceeds, will produce, before the close of discovery in accordance with any
9 scheduling order that the Court will issue in this case, responsive and relevant documents that
10 are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and
11 control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the
12 extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding
13 the scope of this Request.

14 **REQUEST FOR PRODUCTION NO. 187:**

15 All DOCUMENTS that EVIDENCE PLAINTIFF's contention that ANY DEFENDANT
16 retaliated against PLAINTIFF on the basis of any protected category or protected activity.

17 **RESPONSE TO REQUEST FOR PRODUCTION 187:**

18 In addition to the foregoing General Objections, each of which is specifically
19 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
20 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
21 calculated to lead to the discovery of admissible evidence and that is not proportional to the
22 needs of this case, and as seeking discovery outside the permissible scope under the Federal
23 Rules and/or other applicable law.

24 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
25 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
26 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
27 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*

1 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 2 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 3 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 4 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 5 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 6 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 7 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 8 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P.
 9 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 10 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

11 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 12 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 13 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 14 the Federal Rules of Civil Procedure and/or other applicable law, *e.g.,* with respect to
 15 production of electronically stored information, to the extent this Request seeks “[a]ll”
 16 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 17 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 18 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 19 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 20 objects to this Request to the extent it seeks production of electronically stored information
 21 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 22 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 23 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 24 it seeks production of electronically stored information that is unreasonably cumulative or
 25 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 26 seeks production of electronically stored information that is or can be obtained from some other
 27 source that is more convenient, less burdensome, or less expensive *e.g.,* from Kirkland or its co-

1 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
2 production of electronically stored information that exceeds the scope of discovery permitted by
3 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
4 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
5 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
6 considering the importance of the issues at stake in the action, the amount in controversy, the
7 parties' relative access to relevant information, including Kirkland's access to relevant
8 information because relevant information sought is or should be in Kirkland's possession,
9 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
10 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
11 the at most de minimis importance of cumulative and duplicative discovery requested ad
12 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
13 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
14 this Request to the extent it seeks production of electronically stored information that is not in
15 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
16 defendants' possession, custody, or control; and/or that is or should be available to Defendant
17 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
18 expense. Plaintiff further objects to this Request because it seeks production of electronically
19 stored information, including seeking discovery of duplicative and/or cumulative electronically
20 stored information, including without limitation to the extent this Request seeks "[a]ll"
21 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
22 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
23 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
24 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
25 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
26 stored information from sources that are not reasonably accessible because of undue burden or
27 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"

incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be produced" where "a document was prepared and several copies were made or if additional copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-defendants' possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources and Kirkland's virtually limitless resources, the parties' relative access to relevant information, including because the sought discovery is should be in Kirkland's or its co-defendants' possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs

its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and as seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for transmittal in any manner or received by any means by YOU” and/or “[w]herever such DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type”; and/or to the extent this Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested

1 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
2 envelopes, explanatory notes or memoranda, and any other material that accompanied the
3 document(s)” and “[i]f the specific document elicited a response, that response is also to be
4 identified and produced” and “[i]f the document was itself a response, the document to which it
5 responded is also to be identified and produced.”

6 Plaintiff intends to produce electronically stored information in a reasonably usable form.

7 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
8 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
9 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
10 possession, custody, or control; and/or that is or should be available to Defendant and more
11 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

12 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
13 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
14 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
15 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
16 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
17 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
18 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
19 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
20 applicable privilege or protection, including without limitation the psychotherapist-patient
21 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
22 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
23 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
24 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
25 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
26 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
27 agreement among the parties. The Court has not yet entered a scheduling order in this case.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
3 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
4 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
5 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
6 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
7 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
8 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
9 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
11 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
12 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
13 seeks discovery not limited to the relevant time period regarding the facts at issue in this
14 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
15 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

16 Subject to and without waiver of these objections and Plaintiff’s General Objections,
17 Plaintiff responds as follows:

18 The Court has not yet entered a scheduling order in this case; the Court has not set a date
19 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
20 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
21 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
22 Request as this action and discovery proceed. Subject to the foregoing objections and to the
23 extent consistent with the same, Plaintiff states that she has produced material responsive to this
24 Request and states that she will conduct a reasonable search for documents as appropriate and,
25 as discovery proceeds, will produce, before the close of discovery in accordance with any
26 scheduling order that the Court will issue in this case, responsive and relevant documents that
27 are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and
28

control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 188:

All DOCUMENTS that EVIDENCE PLAINTIFF's contention that ANY DEFENDANT wrongfully terminated PLAINTIFF's employment with KIRKLAND.

RESPONSE TO REQUEST FOR PRODUCTION 188:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
3 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
4 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
5 production of electronically stored information, to the extent this Request seeks “[a]ll”
6 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
7 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
9 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
10 objects to this Request to the extent it seeks production of electronically stored information
11 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
12 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
14 it seeks production of electronically stored information that is unreasonably cumulative or
15 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
16 seeks production of electronically stored information that is or can be obtained from some other
17 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
18 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
19 production of electronically stored information that exceeds the scope of discovery permitted by
20 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
21 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
22 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
23 considering the importance of the issues at stake in the action, the amount in controversy, the
24 parties’ relative access to relevant information, including Kirkland’s access to relevant
25 information because relevant information sought is or should be in Kirkland’s possession,
26 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
27 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
2 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
3 recorded or graphic material, however produced or reproduced and all other tangible objects,
4 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
5 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
6 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
7 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
10 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
11 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
12 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
13 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
14 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
15 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
16 and government and government agency of every nature or type”; and/or to the extent this
17 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
18 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
19 envelopes, explanatory notes or memoranda, and any other material that accompanied the
20 document(s)” and “[i]f the specific document elicited a response, that response is also to be
21 identified and produced” and “[i]f the document was itself a response, the document to which it
22 responded is also to be identified and produced.”

23 Plaintiff intends to produce electronically stored information in a reasonably usable form.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
26 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
27

1 possession, custody, or control; and/or that is or should be available to Defendant and more
2 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

3 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
4 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
5 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
6 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
7 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
8 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
9 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
10 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
11 applicable privilege or protection, including without limitation the psychotherapist-patient
12 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
13 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
14 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
15 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
16 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
17 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
18 agreement among the parties. The Court has not yet entered a scheduling order in this case.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
21 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
22 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
23 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
24 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
25 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
26 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
27 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
28

Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she has produced material responsive to this Request and states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff’s possession, custody and control, are reasonably accessible, and are located from Plaintiff’s reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 189:

All DOCUMENTS that EVIDENCE PLAINTIFF’s contention that ANY DEFENDANT intentionally caused PLAINTIFF emotional distress.

RESPONSE TO REQUEST FOR PRODUCTION 189:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,

1 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
2 calculated to lead to the discovery of admissible evidence and that is not proportional to the
3 needs of this case, and as seeking discovery outside the permissible scope under the Federal
4 Rules and/or other applicable law.

5 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
6 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
7 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
8 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
9 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
10 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
12 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
13 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
14 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
15 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
16 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
17 seeks discovery not limited to the relevant time period regarding the facts at issue in this
18 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
19 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

20 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
21 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
22 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
23 duplicative of discovery sought in other Requests, including Request Nos. 113, 123, 150–51,
24 166–167, 179, 190. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P.
25 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1).
26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and
27 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

1 and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to
 2 the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
 3 DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or
 4 relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates
 5 or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 6 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 7 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

8 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 9 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 10 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 11 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 12 production of electronically stored information, to the extent this Request seeks “[a]ll”
 13 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 14 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 15 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 16 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 17 objects to this Request to the extent it seeks production of electronically stored information
 18 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 19 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 20 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 21 it seeks production of electronically stored information that is unreasonably cumulative or
 22 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 23 seeks production of electronically stored information that is or can be obtained from some other
 24 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 25 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 26 production of electronically stored information that exceeds the scope of discovery permitted by
 27 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
 28

1 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
2 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
3 considering the importance of the issues at stake in the action, the amount in controversy, the
4 parties' relative access to relevant information, including Kirkland's access to relevant
5 information because relevant information sought is or should be in Kirkland's possession,
6 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
7 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
8 the at most de minimis importance of cumulative and duplicative discovery requested ad
9 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
10 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
11 this Request to the extent it seeks production of electronically stored information that is not in
12 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
13 defendants' possession, custody, or control; and/or that is or should be available to Defendant
14 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
15 expense. Plaintiff further objects to this Request because it seeks production of electronically
16 stored information, including seeking discovery of duplicative and/or cumulative electronically
17 stored information, including without limitation to the extent this Request seeks "[a]ll"
18 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
19 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
20 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
21 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
22 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
23 stored information from sources that are not reasonably accessible because of undue burden or
24 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
25 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
26 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
27 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that

are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under

1 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
2 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
3 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
4 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
5 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
6 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
7 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
8 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
9 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
10 recorded or graphic material, however produced or reproduced and all other tangible objects,
11 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
12 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
13 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
14 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
15 produced” where “a document was prepared and several copies were made or if additional
16 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
17 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
18 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
19 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
20 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
21 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
22 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
23 and government and government agency of every nature or type”; and/or to the extent this
24 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
25 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
26 envelopes, explanatory notes or memoranda, and any other material that accompanied the
27 document(s)” and “[i]f the specific document elicited a response, that response is also to be

1 identified and produced” and “[i]f the document was itself a response, the document to which it
2 responded is also to be identified and produced.”

3 Plaintiff intends to produce electronically stored information in a reasonably usable form.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
6 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
7 possession, custody, or control; and/or that is or should be available to Defendant and more
8 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

9 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
10 full response until after further discovery is conducted.

11 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
12 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
13 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
14 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
15 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
16 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
17 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
18 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
19 applicable privilege or protection, including without limitation the psychotherapist-patient
20 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
21 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
22 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
23 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
24 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
25 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
26 agreement among the parties. The Court has not yet entered a scheduling order in this case.

1 Subject to and without waiver of these objections and Plaintiff's General Objections,
2 Plaintiff responds as follows:

3 The Court has not yet entered a scheduling order in this case; the Court has not set a date
4 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
5 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
6 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
7 Request as this action and discovery proceed. Subject to the foregoing objections and to the
8 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
9 documents as appropriate and, as discovery proceeds, will produce, before the close of
10 discovery in accordance with any scheduling order that the Court will issue in this case,
11 responsive and relevant documents that are neither privileged nor otherwise protected, are
12 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
13 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
14 she is willing to meet and confer regarding the scope of this Request.

15 **REQUEST FOR PRODUCTION NO. 190:**

16 All DOCUMENTS that EVIDENCE PLAINTIFF's contention that ANY DEFENDANT
17 negligently caused PLAINTIFF emotional distress.

18 **RESPONSE TO REQUEST FOR PRODUCTION 190:**

19 In addition to the foregoing General Objections, each of which is specifically
20 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
21 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
22 calculated to lead to the discovery of admissible evidence and that is not proportional to the
23 needs of this case, and as seeking discovery outside the permissible scope under the Federal
24 Rules and/or other applicable law.

25 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
26 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
27 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this

Request seeks discovery that is neither relevant to any party's claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Request Nos. 113, 123, 150–51, 166–67, 179, 189. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
2 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
3 recorded or graphic material, however produced or reproduced and all other tangible objects,
4 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
5 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
6 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
7 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
10 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
11 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
12 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
13 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
14 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
15 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
16 and government and government agency of every nature or type”; and/or to the extent this
17 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
18 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
19 envelopes, explanatory notes or memoranda, and any other material that accompanied the
20 document(s)” and “[i]f the specific document elicited a response, that response is also to be
21 identified and produced” and “[i]f the document was itself a response, the document to which it
22 responded is also to be identified and produced.”

23 Plaintiff intends to produce electronically stored information in a reasonably usable form.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
26 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
27

1 possession, custody, or control; and/or that is or should be available to Defendant and more
2 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

3 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
4 full response until after further discovery is conducted.

5 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
6 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
7 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
8 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
9 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
10 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
11 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
12 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
13 applicable privilege or protection, including without limitation the psychotherapist-patient
14 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
15 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
16 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
17 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
18 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
19 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
20 agreement among the parties. The Court has not yet entered a scheduling order in this case.

21 Subject to and without waiver of these objections and Plaintiff's General Objections,
22 Plaintiff responds as follows:

23 The Court has not yet entered a scheduling order in this case; the Court has not set a date
24 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
25 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
26 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
27 Request as this action and discovery proceed. Subject to the foregoing objections and to the

1 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
2 documents as appropriate and, as discovery proceeds, will produce, before the close of
3 discovery in accordance with any scheduling order that the Court will issue in this case,
4 responsive and relevant documents that are neither privileged nor otherwise protected, are
5 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
6 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
7 she is willing to meet and confer regarding the scope of this Request.

8 **REQUEST FOR PRODUCTION NO. 191:**

9 All DOCUMENTS that EVIDENCE PLAINTIFF's contention that ANY DEFENDANT
10 paid PLAINTIFF less than male employees who performed substantially similar work.

11 **RESPONSE TO REQUEST FOR PRODUCTION 191:**

12 In addition to the foregoing General Objections, each of which is specifically
13 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
14 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
15 calculated to lead to the discovery of admissible evidence and that is not proportional to the
16 needs of this case, and as seeking discovery outside the permissible scope under the Federal
17 Rules and/or other applicable law.

18 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
19 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
20 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
21 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
22 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
23 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
24 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
25 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
26 cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS,"
27 "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative

complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the

1 parties' relative access to relevant information, including Kirkland's access to relevant
2 information because relevant information sought is or should be in Kirkland's possession,
3 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
4 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
5 the at most de minimis importance of cumulative and duplicative discovery requested ad
6 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
7 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
8 this Request to the extent it seeks production of electronically stored information that is not in
9 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
10 defendants' possession, custody, or control; and/or that is or should be available to Defendant
11 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff further objects to this Request because it seeks production of electronically
13 stored information, including seeking discovery of duplicative and/or cumulative electronically
14 stored information, including without limitation to the extent this Request seeks "[a]ll"
15 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
16 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
17 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
18 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
19 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
20 stored information from sources that are not reasonably accessible because of undue burden or
21 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
22 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
23 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
24 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
25 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
26 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
27 to this Request to the extent it seeks production of electronically stored information in more than
28

one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.

1 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
2 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
3 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
4 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
5 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
6 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
7 recorded or graphic material, however produced or reproduced and all other tangible objects,
8 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
9 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
10 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
11 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
12 produced” where “a document was prepared and several copies were made or if additional
13 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
14 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
15 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
16 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
17 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
18 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
19 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
20 and government and government agency of every nature or type”; and/or to the extent this
21 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
22 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
23 envelopes, explanatory notes or memoranda, and any other material that accompanied the
24 document(s)” and “[i]f the specific document elicited a response, that response is also to be
25 identified and produced” and “[i]f the document was itself a response, the document to which it
26 responded is also to be identified and produced.”

27 Plaintiff intends to produce electronically stored information in a reasonably usable form.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
3 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
4 possession, custody, or control; and/or that is or should be available to Defendant and more
5 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
8 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
9 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
10 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
11 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
12 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
13 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
14 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
16 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
17 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
18 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
19 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
20 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

21 Plaintiff further objects to this Request as premature because Plaintiff cannot provide a
22 full response until after further discovery is conducted. Plaintiff further objects to this Request
23 to the extent it requires a legal conclusion, assessment, or determination, which will be
24 adjudicated only by a judge and/or jury.

25 Subject to and without waiver of these objections and Plaintiff's General Objections,
26 Plaintiff responds as follows:

1 The Court has not yet entered a scheduling order in this case; the Court has not set a date
2 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
3 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
4 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
5 Request as this action and discovery proceed. Subject to the foregoing objections and to the
6 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
7 documents as appropriate and, as discovery proceeds, will produce, before the close of
8 discovery in accordance with any scheduling order that the Court will issue in this case,
9 responsive and relevant documents that are neither privileged nor otherwise protected, are
10 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
11 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
12 she is willing to meet and confer regarding the scope of this Request.

13 **REQUEST FOR PRODUCTION NO. 192:**

14 All DOCUMENTS that support or refute PLAINTIFF'S contention that the COURT has
15 personal jurisdiction over the SCHMIDT DEFENDANTS.

16 **RESPONSE TO REQUEST FOR PRODUCTION 192:**

17 In addition to the foregoing General Objections, each of which is specifically
18 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
19 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
20 calculated to lead to the discovery of admissible evidence and that is not proportional to the
21 needs of this case, and as seeking discovery outside the permissible scope under the Federal
22 Rules and/or other applicable law.

23 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
24 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
25 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
26 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
27 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);

1 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 2 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 3 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 4 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 5 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 6 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 7 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P.
 8 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
 9 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 11 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 12 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 13 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 14 production of electronically stored information, to the extent this Request seeks “[a]ll”
 15 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 16 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 18 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 19 objects to this Request to the extent it seeks production of electronically stored information
 20 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 21 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 22 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 23 it seeks production of electronically stored information that is unreasonably cumulative or
 24 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 25 seeks production of electronically stored information that is or can be obtained from some other
 26 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 27 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks

1 production of electronically stored information that exceeds the scope of discovery permitted by
2 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
3 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
4 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
5 considering the importance of the issues at stake in the action, the amount in controversy, the
6 parties' relative access to relevant information, including Kirkland's access to relevant
7 information because relevant information sought is or should be in Kirkland's possession,
8 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
9 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
10 the at most de minimis importance of cumulative and duplicative discovery requested ad
11 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
12 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
13 this Request to the extent it seeks production of electronically stored information that is not in
14 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
15 defendants' possession, custody, or control; and/or that is or should be available to Defendant
16 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff further objects to this Request because it seeks production of electronically
18 stored information, including seeking discovery of duplicative and/or cumulative electronically
19 stored information, including without limitation to the extent this Request seeks "[a]ll"
20 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
21 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
22 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
23 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
24 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
25 stored information from sources that are not reasonably accessible because of undue burden or
26 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
27 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"

1 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
2 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
3 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
4 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information in
6 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
7 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
8 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
9 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
10 graphic material, however produced or reproduced and all other tangible objects, including, but
11 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
12 specified means] or other means" "and all drafts and summaries thereof" "and any
13 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
14 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
15 produced" where "a document was prepared and several copies were made or if additional
16 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
17 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
18 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or are or should be available to Defendant and
20 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
22 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
23 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
24 including because the sought discovery is should be in Kirkland's or its co-defendants'
25 possession, custody, or control, the importance of the discovery sought from Plaintiff in
26 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
27 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,

1 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
2 of the case, and a seeking discovery outside the scope of discovery permitted or required under
3 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
4 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
5 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
6 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
7 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
8 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
9 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
11 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
12 recorded or graphic material, however produced or reproduced and all other tangible objects,
13 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
14 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
15 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
16 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
19 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
20 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
21 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
22 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
23 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
24 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
25 and government and government agency of every nature or type”; and/or to the extent this
26 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
27 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all

1 envelopes, explanatory notes or memoranda, and any other material that accompanied the
2 document(s)” and “[i]f the specific document elicited a response, that response is also to be
3 identified and produced” and “[i]f the document was itself a response, the document to which it
4 responded is also to be identified and produced.”

5 Plaintiff intends to produce electronically stored information in a reasonably usable form.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
8 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
9 possession, custody, or control; and/or that is or should be available to Defendant and more
10 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

11 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
12 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
13 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
14 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
15 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
16 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
17 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
18 attorney-client privilege, that constitutes attorney-work product, or that is protected by any other
19 applicable privilege or protection, including without limitation the psychotherapist-patient
20 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
21 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
22 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
23 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
24 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
25 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
26 agreement among the parties. The Court has not yet entered a scheduling order in this case.

1 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
2 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
3 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
4 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
5 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
6 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
7 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
8 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
9 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
11 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
12 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
13 seeks discovery not limited to the relevant time period regarding the facts at issue in this
14 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
15 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

16 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
17 assessment, or determination, which will be adjudicated only by a judge and/or jury.

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed.

25 **REQUEST FOR PRODUCTION NO. 193:**

1 All DOCUMENTS that support or refute PLAINTIFF's contention that the
 2 ORDINANCE applies to FAHEY, the SCHMIDT DEFENDANTS, and the DE VRIES
 3 DEFENDANTS.

4 **RESPONSE TO REQUEST FOR PRODUCTION 193:**

5 In addition to the foregoing General Objections, each of which is specifically
 6 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
 7 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
 8 calculated to lead to the discovery of admissible evidence and that is not proportional to the
 9 needs of this case, and as seeking discovery outside the permissible scope under the Federal
 10 Rules and/or other applicable law.

11 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 12 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 13 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 14 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
 15 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 16 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 17 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 18 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 19 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 20 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 21 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 22 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P.
 23 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 24 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

25 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 26 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 27 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in

the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession, custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to

1 this Request to the extent it seeks production of electronically stored information that is not in
 2 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
 3 defendants' possession, custody, or control; and/or that is or should be available to Defendant
 4 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
 5 expense. Plaintiff further objects to this Request because it seeks production of electronically
 6 stored information, including seeking discovery of duplicative and/or cumulative electronically
 7 stored information, including without limitation to the extent this Request seeks "[a]ll"
 8 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
 9 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
 10 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
 11 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
 12 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
 13 stored information from sources that are not reasonably accessible because of undue burden or
 14 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
 15 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
 16 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
 17 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
 18 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
 19 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
 20 objects to this Request to the extent it seeks production of electronically stored information in
 21 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
 22 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
 23 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
 24 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
 25 graphic material, however produced or reproduced and all other tangible objects, including, but
 26 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
 27 specified means] or other means" "and all drafts and summaries thereof" "and any

DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects,

1 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
2 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
3 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
4 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
5 produced” where “a document was prepared and several copies were made or if additional
6 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
7 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
8 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
9 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
10 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
11 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
12 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
13 and government and government agency of every nature or type”; and/or to the extent this
14 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
15 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
16 envelopes, explanatory notes or memoranda, and any other material that accompanied the
17 document(s)” and “[i]f the specific document elicited a response, that response is also to be
18 identified and produced” and “[i]f the document was itself a response, the document to which it
19 responded is also to be identified and produced.”

20 Plaintiff intends to produce electronically stored information in a reasonably usable form.

21 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
22 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
23 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
24 possession, custody, or control; and/or that is or should be available to Defendant and more
25 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

26 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
27 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is

1 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
2 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
3 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
4 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
5 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
6 attorney-client privilege, that constitutes attorney-work product, or that is protected by any other
7 applicable privilege or protection, including without limitation the psychotherapist-patient
8 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
9 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
10 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
11 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
12 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
13 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
14 agreement among the parties. The Court has not yet entered a scheduling order in this case.

15 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
16 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
17 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
18 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
19 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
20 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
22 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
23 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
24 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
25 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
26 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
27 seeks discovery not limited to the relevant time period regarding the facts at issue in this

litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff's General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff's reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed.

REQUEST FOR PRODUCTION NO. 194:

All DOCUMENTS that support or refute FAHEY and the SCHMIDT DEFENDANTS' contention that the California Fair Employment and Housing Act does not apply extraterritorially to them.

RESPONSE TO REQUEST FOR PRODUCTION 194:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);

1 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 2 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 3 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 4 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 5 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 6 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 7 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P.
 8 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ.
 9 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

10 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 11 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 12 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 13 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 14 production of electronically stored information, to the extent this Request seeks “[a]ll”
 15 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 16 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R.
 17 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 18 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 19 objects to this Request to the extent it seeks production of electronically stored information
 20 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 21 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 22 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 23 it seeks production of electronically stored information that is unreasonably cumulative or
 24 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 25 seeks production of electronically stored information that is or can be obtained from some other
 26 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 27 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks

1 production of electronically stored information that exceeds the scope of discovery permitted by
2 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
3 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
4 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
5 considering the importance of the issues at stake in the action, the amount in controversy, the
6 parties' relative access to relevant information, including Kirkland's access to relevant
7 information because relevant information sought is or should be in Kirkland's possession,
8 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
9 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
10 the at most de minimis importance of cumulative and duplicative discovery requested ad
11 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
12 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
13 this Request to the extent it seeks production of electronically stored information that is not in
14 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
15 defendants' possession, custody, or control; and/or that is or should be available to Defendant
16 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff further objects to this Request because it seeks production of electronically
18 stored information, including seeking discovery of duplicative and/or cumulative electronically
19 stored information, including without limitation to the extent this Request seeks "[a]ll"
20 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
21 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
22 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
23 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
24 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
25 stored information from sources that are not reasonably accessible because of undue burden or
26 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
27 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"

1 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
2 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
3 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
4 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information in
6 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
7 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
8 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
9 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
10 graphic material, however produced or reproduced and all other tangible objects, including, but
11 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
12 specified means] or other means" "and all drafts and summaries thereof" "and any
13 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
14 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
15 produced" where "a document was prepared and several copies were made or if additional
16 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
17 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
18 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
19 defendants' possession, custody, or control; and/or are or should be available to Defendant and
20 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
21 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
22 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
23 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
24 including because the sought discovery is should be in Kirkland's or its co-defendants'
25 possession, custody, or control, the importance of the discovery sought from Plaintiff in
26 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
27 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,

1 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
2 of the case, and a seeking discovery outside the scope of discovery permitted or required under
3 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
4 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
5 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
6 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
7 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
8 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
9 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
10 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
11 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
12 recorded or graphic material, however produced or reproduced and all other tangible objects,
13 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
14 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
15 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
16 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
17 produced” where “a document was prepared and several copies were made or if additional
18 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
19 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
20 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
21 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
22 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
23 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
24 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
25 and government and government agency of every nature or type”; and/or to the extent this
26 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
27 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all

1 envelopes, explanatory notes or memoranda, and any other material that accompanied the
2 document(s)” and “[i]f the specific document elicited a response, that response is also to be
3 identified and produced” and “[i]f the document was itself a response, the document to which it
4 responded is also to be identified and produced.”

5 Plaintiff intends to produce electronically stored information in a reasonably usable form.

6 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
7 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
8 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
9 possession, custody, or control; and/or that is or should be available to Defendant and more
10 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

11 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
12 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
13 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
14 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
15 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
16 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
17 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
18 attorney-client privilege, that constitutes attorney-work product, or that is protected by any other
19 applicable privilege or protection, including without limitation the psychotherapist-patient
20 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
21 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
22 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
23 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
24 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
25 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
26 agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff further objects to this Request to the extent it requires a legal conclusion, assessment, or determination, which will be adjudicated only by a judge and/or jury.

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed.

REQUEST FOR PRODUCTION NO. 195:

All DOCUMENTS that EVIDENCE the location(s) where PLAINTIFF performed work for KIRKLAND and its clients.

RESPONSE TO REQUEST FOR PRODUCTION 195:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding defamation, discrimination, and retaliation. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll”

1 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
2 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
3 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
4 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
5 objects to this Request to the extent it seeks production of electronically stored information
6 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
7 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
8 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
9 it seeks production of electronically stored information that is unreasonably cumulative or
10 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
11 seeks production of electronically stored information that is or can be obtained from some other
12 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
13 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
14 production of electronically stored information that exceeds the scope of discovery permitted by
15 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
16 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
17 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
18 considering the importance of the issues at stake in the action, the amount in controversy, the
19 parties’ relative access to relevant information, including Kirkland’s access to relevant
20 information because relevant information sought is or should be in Kirkland’s possession,
21 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
22 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
23 the at most de minimis importance of cumulative and duplicative discovery requested ad
24 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
25 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
26 this Request to the extent it seeks production of electronically stored information that is not in
27 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-

defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six specified means] or other means" "and all drafts and summaries thereof" "and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be

1 produced” where “a document was prepared and several copies were made or if additional
2 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
3 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
4 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
5 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
6 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
7 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
8 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
9 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
10 including because the sought discovery is should be in Kirkland’s or its co-defendants’
11 possession, custody, or control, the importance of the discovery sought from Plaintiff in
12 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
13 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
14 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
15 of the case, and a seeking discovery outside the scope of discovery permitted or required under
16 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
17 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
18 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
20 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
21 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
22 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
23 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
24 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
25 recorded or graphic material, however produced or reproduced and all other tangible objects,
26 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
27 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and

1 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
2 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
3 produced” where “a document was prepared and several copies were made or if additional
4 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
5 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
6 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
7 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
8 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
9 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
10 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
11 and government and government agency of every nature or type”; and/or to the extent this
12 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
13 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
14 envelopes, explanatory notes or memoranda, and any other material that accompanied the
15 document(s)” and “[i]f the specific document elicited a response, that response is also to be
16 identified and produced” and “[i]f the document was itself a response, the document to which it
17 responded is also to be identified and produced.”

18 Plaintiff intends to produce electronically stored information in a reasonably usable form.

19 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
20 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
21 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
22 possession, custody, or control; and/or that is or should be available to Defendant and more
23 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

24 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
25 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
26 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
27 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by

1 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
2 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
3 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
4 attorney-client privilege, that constitutes attorney-work product, or that is protected by any other
5 applicable privilege or protection, including without limitation the psychotherapist-patient
6 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
7 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
8 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
9 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
10 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
11 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
12 agreement among the parties. The Court has not yet entered a scheduling order in this case.

13 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
14 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
15 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
16 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
17 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
18 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
19 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
20 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
21 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
22 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
23 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
24 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
25 seeks discovery not limited to the relevant time period regarding the facts at issue in this
26 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
27 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff further objects to this Request to the extent it requires a legal conclusion,
2 assessment, or determination, which will be adjudicated only by a judge and/or jury.

3 Subject to and without waiver of these objections and Plaintiff's General Objections,
4 Plaintiff responds as follows:

5 The Court has not yet entered a scheduling order in this case; the Court has not set a date
6 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
7 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
8 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
9 Request as this action and discovery proceed. Subject to the foregoing objections and to the
10 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
11 documents as appropriate and, as discovery proceeds, will produce, before the close of
12 discovery in accordance with any scheduling order that the Court will issue in this case,
13 responsive and relevant documents that are neither privileged nor otherwise protected, are
14 within Plaintiff's possession, custody and control, are reasonably accessible, and are located
15 from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that
16 she is willing to meet and confer regarding the scope of this Request.

17 **REQUEST FOR PRODUCTION NO. 196:**

18 All DOCUMENTS that EVIDENCE any Skype messages between PLAINTIFF and any
19 person regarding PLAINTIFF'S employment with KIRKLAND and/or allegations in the
20 COMPLAINT.

21 **RESPONSE TO REQUEST FOR PRODUCTION 196:**

22 In addition to the foregoing General Objections, each of which is specifically
23 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
24 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
25 calculated to lead to the discovery of admissible evidence and that is not proportional to the
26 needs of this case, and as seeking discovery outside the permissible scope under the Federal
27 Rules and/or other applicable law.

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 3 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
 4 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
 5 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
 6 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
 7 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 8 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 9 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 10 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 11 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 12 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P.
 13 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 14 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

15 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 16 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 17 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 18 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 19 production of electronically stored information, to the extent this Request seeks “[a]ll”
 20 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 21 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 22 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 23 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 24 objects to this Request to the extent it seeks production of electronically stored information
 25 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 26 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 27 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent

1 it seeks production of electronically stored information that is unreasonably cumulative or
2 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
3 seeks production of electronically stored information that is or can be obtained from some other
4 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
5 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
6 production of electronically stored information that exceeds the scope of discovery permitted by
7 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
8 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
9 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
10 considering the importance of the issues at stake in the action, the amount in controversy, the
11 parties' relative access to relevant information, including Kirkland's access to relevant
12 information because relevant information sought is or should be in Kirkland's possession,
13 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
14 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
15 the at most de minimis importance of cumulative and duplicative discovery requested ad
16 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
17 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
18 this Request to the extent it seeks production of electronically stored information that is not in
19 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
20 defendants' possession, custody, or control; and/or that is or should be available to Defendant
21 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
22 expense. Plaintiff further objects to this Request because it seeks production of electronically
23 stored information, including seeking discovery of duplicative and/or cumulative electronically
24 stored information, including without limitation to the extent this Request seeks "[a]ll"
25 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
26 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
27 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.

26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be produced” where “a document was prepared and several copies were made or if additional copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources

1 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
2 including because the sought discovery is should be in Kirkland’s or its co-defendants’
3 possession, custody, or control, the importance of the discovery sought from Plaintiff in
4 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
5 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
6 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
7 of the case, and a seeking discovery outside the scope of discovery permitted or required under
8 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
9 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
10 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
12 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
13 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
14 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
15 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
16 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
17 recorded or graphic material, however produced or reproduced and all other tangible objects,
18 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
19 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
20 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
21 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
22 produced” where “a document was prepared and several copies were made or if additional
23 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
24 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
25 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
26 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
27 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her

1 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
2 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
3 and government and government agency of every nature or type”; and/or to the extent this
4 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
5 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
6 envelopes, explanatory notes or memoranda, and any other material that accompanied the
7 document(s)” and “[i]f the specific document elicited a response, that response is also to be
8 identified and produced” and “[i]f the document was itself a response, the document to which it
9 responded is also to be identified and produced.”

10 Plaintiff intends to produce electronically stored information in a reasonably usable form.

11 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
12 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
13 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
14 possession, custody, or control; and/or that is or should be available to Defendant and more
15 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

16 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
17 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
18 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
19 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
20 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
21 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
22 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
23 attorney-client privilege, that constitutes attorney-work product, or that is protected by any other
24 applicable privilege or protection, including without limitation the psychotherapist-patient
25 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
26 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
27 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as

1 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
2 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
3 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
4 agreement among the parties. The Court has not yet entered a scheduling order in this case.

5 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
6 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
7 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
8 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
9 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
10 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
11 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
12 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
13 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
14 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
15 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
16 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
17 seeks discovery not limited to the relevant time period regarding the facts at issue in this
18 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
19 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

20 Plaintiff further objects to this Request as premature to the extent Plaintiff cannot
21 provide a full response until after further discovery is conducted.

22 Subject to and without waiver of these objections and Plaintiff's General Objections,
23 Plaintiff responds as follows:

24 The Court has not yet entered a scheduling order in this case; the Court has not set a date
25 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
26 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
27 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this

Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she will conduct a reasonable search for documents as appropriate and, as discovery proceeds, will produce, before the close of discovery in accordance with any scheduling order that the Court will issue in this case, responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 197:

All DOCUMENTS that EVIDENCE any text messages between PLAINTIFF and any person regarding PLAINTIFF's employment with KIRKLAND and/or allegations in the COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION 197:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff further objects to this Request as unduly burdensome, overly broad, oppressive, and as seeking discovery outside the permissible scope under the Federal Rules of Civil Procedure and/or other applicable law because it is vague, ambiguous, and unintelligible due to the use of the verbiage "[a]ll DOCUMENTS that EVIDENCE any text messages between PLAINTIFF and any person regarding PLAINTIFF's employment" and because it is not tied to claims at issue in the litigation.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure

and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, *e.g.*, with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it

1 seeks production of electronically stored information that is or can be obtained from some other
2 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
3 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
4 production of electronically stored information that exceeds the scope of discovery permitted by
5 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
6 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
7 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
8 considering the importance of the issues at stake in the action, the amount in controversy, the
9 parties' relative access to relevant information, including Kirkland's access to relevant
10 information because relevant information sought is or should be in Kirkland's possession,
11 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
12 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
13 the at most de minimis importance of cumulative and duplicative discovery requested ad
14 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
15 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
16 this Request to the extent it seeks production of electronically stored information that is not in
17 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or that is or should be available to Defendant
19 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff further objects to this Request because it seeks production of electronically
21 stored information, including seeking discovery of duplicative and/or cumulative electronically
22 stored information, including without limitation to the extent this Request seeks "[a]ll"
23 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
24 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
25 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
26 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
27 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
28

1 stored information from sources that are not reasonably accessible because of undue burden or
2 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
3 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
4 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
5 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
6 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
7 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
8 objects to this Request to the extent it seeks production of electronically stored information in
9 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
10 e.g., Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
11 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
12 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
13 graphic material, however produced or reproduced and all other tangible objects, including, but
14 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
15 specified means] or other means” “and all drafts and summaries thereof” “and any
16 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
17 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
18 produced” where “a document was prepared and several copies were made or if additional
19 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
20 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
21 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
22 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
23 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
24 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
25 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
26 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
27 including because the sought discovery is should be in Kirkland’s or its co-defendants’

1 possession, custody, or control, the importance of the discovery sought from Plaintiff in
2 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
3 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
4 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
5 of the case, and as seeking discovery outside the scope of discovery permitted or required under
6 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
7 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
8 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
10 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
11 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
12 and as seeking discovery outside the scope of discovery permitted under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
14 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
15 recorded or graphic material, however produced or reproduced and all other tangible objects,
16 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
17 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
18 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
19 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
20 produced” where “a document was prepared and several copies were made or if additional
21 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
22 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
23 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
24 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
25 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
26 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
27 partnership, proprietorship, association, joint venture, other form of organization or arrangement,

1 and government and government agency of every nature or type”; and/or to the extent this
2 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
3 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
4 envelopes, explanatory notes or memoranda, and any other material that accompanied the
5 document(s)” and “[i]f the specific document elicited a response, that response is also to be
6 identified and produced” and “[i]f the document was itself a response, the document to which it
7 responded is also to be identified and produced.”

8 Plaintiff intends to produce electronically stored information in a reasonably usable form.

9 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
10 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
11 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
12 possession, custody, or control; and/or that is or should be available to Defendant and more
13 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

14 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
15 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
16 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
17 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
18 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
19 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
20 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
21 attorney-client privilege, that constitutes attorney-work product, or that is protected by any other
22 applicable privilege or protection, including without limitation the psychotherapist-patient
23 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
24 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
25 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
26 premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert
27 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
28

1 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
2 agreement among the parties. The Court has not yet entered a scheduling order in this case.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request
15 seeks discovery not limited to the relevant time period regarding the facts at issue in this
16 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
17 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed. Subject to the foregoing objections and to the
25 extent consistent with the same, Plaintiff states that she will conduct a reasonable search for
26 documents as appropriate and, as discovery proceeds, will produce, before the close of
27 discovery in accordance with any scheduling order that the Court will issue in this case,

responsive and relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 198:

All audio or video recordings between PLAINTIFF and any current or former KIRKLAND employee or agent from November 16, 2020 to present, including but not limited to KIRKLAND's outside counsel, in PLAINTIFF's possession, custody, or control.

RESPONSE TO REQUEST FOR PRODUCTION 198:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Requests regarding Plaintiff's work and experience at trial with Defendants, discrimination, sex-based harassment constituting a hostile work environment, and defamation, including Request Nos. 58–79, 82, 83, 199–200. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE”

statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE" and incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party's claim or defense, and/or not proportional to the needs of the case,

1 considering the importance of the issues at stake in the action, the amount in controversy, the
2 parties' relative access to relevant information, including Kirkland's access to relevant
3 information because relevant information sought is or should be in Kirkland's possession,
4 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
5 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
6 the at most de minimis importance of cumulative and duplicative discovery requested ad
7 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
8 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
9 this Request to the extent it seeks production of electronically stored information that is not in
10 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
11 defendants' possession, custody, or control; and/or that is or should be available to Defendant
12 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
13 expense. Plaintiff further objects to this Request because it seeks production of electronically
14 stored information, including seeking discovery of duplicative and/or cumulative electronically
15 stored information, including without limitation to the extent this Request seeks "[a]ll"
16 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
17 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
18 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
19 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
20 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
21 stored information from sources that are not reasonably accessible because of undue burden or
22 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
23 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
24 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
25 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
26 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
27 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects

1 to this Request to the extent it seeks production of electronically stored information in more than
2 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.*, Fed.
3 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff
4 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
5 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
6 graphic material, however produced or reproduced and all other tangible objects, including, but
7 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
8 specified means] or other means” “and all drafts and summaries thereof” “and any
9 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
10 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
11 produced” where “a document was prepared and several copies were made or if additional
12 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
13 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
14 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
15 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
16 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
17 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
18 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
19 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
20 including because the sought discovery is should be in Kirkland’s or its co-defendants’
21 possession, custody, or control, the importance of the discovery sought from Plaintiff in
22 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
23 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
24 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
25 of the case, and a seeking discovery outside the scope of discovery permitted or required under
26 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
27 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require

1 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
3 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
4 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
5 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
6 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
7 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
8 recorded or graphic material, however produced or reproduced and all other tangible objects,
9 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
10 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
11 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
12 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
13 produced” where “a document was prepared and several copies were made or if additional
14 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
15 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
16 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
17 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
18 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
19 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
20 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
21 and government and government agency of every nature or type”; and/or to the extent this
22 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
23 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
24 envelopes, explanatory notes or memoranda, and any other material that accompanied the
25 document(s)” and “[i]f the specific document elicited a response, that response is also to be
26 identified and produced” and “[i]f the document was itself a response, the document to which it
27 responded is also to be identified and produced.”

1 Plaintiff intends to produce electronically stored information in a reasonably usable form.

2 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
3 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
4 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
5 possession, custody, or control; and/or that is or should be available to Defendant and more
6 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

7 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
8 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
9 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
10 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
11 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
12 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

14 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
15 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
16 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
17 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
18 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
19 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
20 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
21 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

22 Subject to and without waiver of these objections and Plaintiff's General Objections,
23 Plaintiff responds as follows:

24 The Court has not yet entered a scheduling order in this case; the Court has not set a date
25 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
26 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
27 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this

Request as this action and discovery proceed. Subject to the foregoing objections and to the extent consistent with the same, Plaintiff states that she has produced material responsive to this Request.

REQUEST FOR PRODUCTION NO. 199:

All DOCUMENTS that EVIDENCE the notes YOU prepared in anticipation of YOUR call with AKSHAY DEORAS on April 29, 2021.

RESPONSE TO REQUEST FOR PRODUCTION 199:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Request No. 200. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

1 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
2 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
3 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
4 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
5 production of electronically stored information, to the extent this Request seeks “[a]ll”
6 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
7 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P.
8 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
9 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
10 objects to this Request to the extent it seeks production of electronically stored information
11 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
12 other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
14 it seeks production of electronically stored information that is unreasonably cumulative or
15 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
16 seeks production of electronically stored information that is or can be obtained from some other
17 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
18 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
19 production of electronically stored information that exceeds the scope of discovery permitted by
20 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
21 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
22 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
23 considering the importance of the issues at stake in the action, the amount in controversy, the
24 parties’ relative access to relevant information, including Kirkland’s access to relevant
25 information because relevant information sought is or should be in Kirkland’s possession,
26 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
27 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including

the at most de minimis importance of cumulative and duplicative discovery requested ad infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is not in Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-defendants' possession, custody, or control; and/or that is or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff further objects to this Request because it seeks production of electronically stored information, including seeking discovery of duplicative and/or cumulative electronically stored information, including without limitation to the extent this Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to this Request to the extent it seeks production of electronically stored information in more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or

1 graphic material, however produced or reproduced and all other tangible objects, including, but
2 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
3 specified means] or other means” “and all drafts and summaries thereof” “and any
4 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
5 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
6 produced” where “a document was prepared and several copies were made or if additional
7 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
8 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
9 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
10 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
11 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
12 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
13 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
14 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
15 including because the sought discovery is should be in Kirkland’s or its co-defendants’
16 possession, custody, or control, the importance of the discovery sought from Plaintiff in
17 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
18 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
19 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
20 of the case, and a seeking discovery outside the scope of discovery permitted or required under
21 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
22 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
23 Plaintiff to create drafts and summaries of documents. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
24 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
25 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
26 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
27 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of

1 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
2 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
3 recorded or graphic material, however produced or reproduced and all other tangible objects,
4 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
5 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
6 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
7 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
10 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
11 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
12 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
13 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
14 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
15 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
16 and government and government agency of every nature or type”; and/or to the extent this
17 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
18 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
19 envelopes, explanatory notes or memoranda, and any other material that accompanied the
20 document(s)” and “[i]f the specific document elicited a response, that response is also to be
21 identified and produced” and “[i]f the document was itself a response, the document to which it
22 responded is also to be identified and produced.”

23 Plaintiff intends to produce electronically stored information in a reasonably usable form.

24 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
25 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is
26 outside of Plaintiff’s possession, custody, or control; that is or should be in Defendant’s
27

1 possession, custody, or control; and/or that is or should be available to Defendant and more
2 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

3 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
4 oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll
5 DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this
6 Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional
7 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
8 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
9 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
10 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
11 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
12 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and
13 “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and
14 “EVIDENCE,” and incorporates or relies on Instruction No. 1, because this Request seeks
15 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
16 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
17 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

18 Subject to and without waiver of these objections and Plaintiff’s General Objections,
19 Plaintiff responds as follows:

20 The Court has not yet entered a scheduling order in this case; the Court has not set a date
21 for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for
22 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
23 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
24 Request as this action and discovery proceed. Subject to the foregoing objections and to the
25 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
26 appropriate and, as discovery proceeds, will produce, before the close of discovery in
27 accordance with any scheduling order that the Court will issue in this case, responsive and

relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's possession, custody and control, are reasonably accessible, and are located from Plaintiff's reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to meet and confer regarding the scope of this Request.

REQUEST FOR PRODUCTION NO. 200:

All DOCUMENTS that EVIDENCE the notes YOU prepared in anticipation of YOUR call with AKSHAY DEORAS on April 29, 2021.

RESPONSE TO REQUEST FOR PRODUCTION 200:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests, including Request No. 199. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll DOCUMENTS that EVIDENCE" statements in a non-operative complaint, incorporates or relies on Kirkland's definition of "DOCUMENT(S)" and/or of "EVIDENCE," and incorporates or relies on Instruction No. 1. *See, e.g.*, Fed. R. Civ.

P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction No. 1. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.*, Fed. R. Civ. P. 34(b)(2)(D). Plaintiff objects to this Request to the extent it seeks production of electronically stored information exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is unreasonably cumulative or duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it seeks production of electronically stored information that is or can be obtained from some other source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks production of electronically stored information that exceeds the scope of discovery permitted by Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically stored information that is duplicative and/or cumulative of other sought discovery, privileged, not relevant to any party’s claim or defense, and/or not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, including Kirkland’s access to relevant information because relevant information sought is or should be in Kirkland’s possession,

1 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
2 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
3 the at most de minimis importance of cumulative and duplicative discovery requested ad
4 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
5 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
6 this Request to the extent it seeks production of electronically stored information that is not in
7 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
8 defendants' possession, custody, or control; and/or that is or should be available to Defendant
9 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
10 expense. Plaintiff further objects to this Request because it seeks production of electronically
11 stored information, including seeking discovery of duplicative and/or cumulative electronically
12 stored information, including without limitation to the extent this Request seeks "[a]ll"
13 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
14 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction No. 1, that is not reasonably
15 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
16 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
17 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
18 stored information from sources that are not reasonably accessible because of undue burden or
19 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
20 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
21 and/or on Instruction No. 1, and the sought discovery is duplicative and/or cumulative, to the
22 extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that are
23 not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed. R.
24 Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects
25 to this Request to the extent it seeks production of electronically stored information in more than
26 one form and/or in a form that would cause undue burden or expense to Plaintiff. *See, e.g.,* Fed.
27 R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B). Plaintiff

1 objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
2 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
3 graphic material, however produced or reproduced and all other tangible objects, including, but
4 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
5 specified means] or other means” “and all drafts and summaries thereof” “and any
6 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
7 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
8 produced” where “a document was prepared and several copies were made or if additional
9 copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production
10 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
11 are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-
12 defendants’ possession, custody, or control; and/or are or should be available to Defendant and
13 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
14 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
15 relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources
16 and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information,
17 including because the sought discovery is should be in Kirkland’s or its co-defendants’
18 possession, custody, or control, the importance of the discovery sought from Plaintiff in
19 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
20 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
21 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs
22 of the case, and a seeking discovery outside the scope of discovery permitted or required under
23 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
24 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
25 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
26 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
27 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,

1 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
2 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
3 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
4 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
5 recorded or graphic material, however produced or reproduced and all other tangible objects,
6 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
7 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
8 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
9 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
10 produced” where “a document was prepared and several copies were made or if additional
11 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
12 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
13 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
14 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
15 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
16 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
17 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
18 and government and government agency of every nature or type”; and/or to the extent this
19 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
20 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
21 envelopes, explanatory notes or memoranda, and any other material that accompanied the
22 document(s)” and “[i]f the specific document elicited a response, that response is also to be
23 identified and produced” and “[i]f the document was itself a response, the document to which it
24 responded is also to be identified and produced.”

25 Plaintiff intends to produce electronically stored information in a reasonably usable form.

26 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
27 oppressive and as subjecting Plaintiff to undue cost because this Request seeks discovery that is

1 outside of Plaintiff's possession, custody, or control; that is or should be in Defendant's
2 possession, custody, or control; and/or that is or should be available to Defendant and more
3 readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense.

4 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
5 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
6 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
7 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
8 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
9 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
10 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
11 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
12 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
13 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
14 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
15 "EVIDENCE," and incorporates or relies on Instruction No. 1, because this Request seeks
16 discovery not limited to the relevant time period regarding the facts at issue in this litigation.
17 *See, e.g.* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed.
18 R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

19 Subject to and without waiver of these objections and Plaintiff's General Objections,
20 Plaintiff responds as follows:

21 The Court has not yet entered a scheduling order in this case; the Court has not set a date
22 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
23 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
24 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this
25 Request as this action and discovery proceed. Subject to the foregoing objections and to the
26 extent consistent with the same, Plaintiff will conduct a reasonable search for documents as
27 appropriate and, as discovery proceeds, will produce, before the close of discovery in
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1 accordance with any scheduling order that the Court will issue in this case, responsive and
2 relevant documents that are neither privileged nor otherwise protected, are within Plaintiff's
3 possession, custody and control, are reasonably accessible, and are located from Plaintiff's
4 reasonable search, to the extent any such documents exist. Plaintiff states that she is willing to
5 meet and confer regarding the scope of this Request.

6 **REQUEST FOR PRODUCTION NO. 201:**

7 All DOCUMENTS that EVIDENCE YOUR prior employment with Paul Hastings, LLP,
8 including but not limited to, YOUR employment application, resume, offer letter, acceptance
9 letter, employment contracts and/or agreements, documents relating to the termination of YOUR
10 employment, documents relating to change of title or duties, documents related to YOUR
11 compensation and benefits, notices of commendation, leaves of absence, wage attachment or
12 garnishment notices, performance appraisals and/or reviews, attendance and absence records,
13 promotion and/or demotion recommendations, and documents related to complaints filed by or
14 against YOU.

15 **RESPONSE TO REQUEST FOR PRODUCTION 201:**

16 In addition to the foregoing General Objections, each of which is specifically
17 incorporated by reference here, Plaintiff specifically objects to this Request as overly broad,
18 unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably
19 calculated to lead to the discovery of admissible evidence and that is not proportional to the
20 needs of this case, and as seeking discovery outside the permissible scope under the Federal
21 Rules and/or other applicable law.

22 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
23 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
24 and/or other applicable law to the extent this Request seeks discovery that is cumulative or
25 duplicative of discovery sought in other Requests. *See, e.g.,* Fed. R. Civ. P. 26(b)(2)(C)(i); *see*
26 *also, e.g.,* Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii);
27 Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly
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1 burdensome, and oppressive and as seeking discovery outside the scope permissible under the
 2 Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is
 3 cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,”
 4 “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative
 5 complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of
 6 “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R. Civ. P.
 7 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.,* Fed. R. Civ.
 8 P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

9 Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and
 10 as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure
 11 and/or other applicable law because it seeks to impose obligations exceeding those prescribed in
 12 the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to
 13 production of electronically stored information, to the extent this Request seeks “[a]ll”
 14 “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of
 15 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
 16 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
 17 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
 18 objects to this Request to the extent it seeks production of electronically stored information
 19 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
 20 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
 21 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
 22 it seeks production of electronically stored information that is unreasonably cumulative or
 23 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
 24 seeks production of electronically stored information that is or can be obtained from some other
 25 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
 26 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
 27 production of electronically stored information that exceeds the scope of discovery permitted by
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1 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
2 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
3 not relevant to any party's claim or defense, and/or not proportional to the needs of the case,
4 considering the importance of the issues at stake in the action, the amount in controversy, the
5 parties' relative access to relevant information, including Kirkland's access to relevant
6 information because relevant information sought is or should be in Kirkland's possession,
7 custody, or control; the parties' resources, including Kirkland's vast and expanse resources and
8 Plaintiff's limited resources; the importance of the discovery in resolving the issues, including
9 the at most de minimis importance of cumulative and duplicative discovery requested ad
10 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
11 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
12 this Request to the extent it seeks production of electronically stored information that is not in
13 Plaintiff's possession, custody, or control; that is or should be in Defendant's or its co-
14 defendants' possession, custody, or control; and/or that is or should be available to Defendant
15 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
16 expense. Plaintiff further objects to this Request because it seeks production of electronically
17 stored information, including seeking discovery of duplicative and/or cumulative electronically
18 stored information, including without limitation to the extent this Request seeks "[a]ll"
19 "DOCUMENTS" that "EVIDENCE," incorporates and/or relies on Kirkland's definitions of
20 "DOCUMENT(S)" and "EVIDENCE" and/or on Instruction Nos. 1 and 2, that is not reasonably
21 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
22 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
23 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
24 stored information from sources that are not reasonably accessible because of undue burden or
25 cost, e.g., to the extent the Request seeks "[a]ll" "DOCUMENTS" that "EVIDENCE,"
26 incorporates and/or relies on Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE"
27 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to

1 the extent Kirkland's definitions of "DOCUMENT(S)" and "EVIDENCE" include sources that
2 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
3 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
4 objects to this Request to the extent it seeks production of electronically stored information in
5 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See*,
6 *e.g.*, Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
7 Plaintiff objects to this Request to the extent it seeks "[a]ll" "DOCUMENTS," to the extent
8 "DOCUMENT(S)" "means and includes, but is not limited to" "any and all written, recorded or
9 graphic material, however produced or reproduced and all other tangible objects, including, but
10 not limited to," 76 enumerated categories, in addition to "all other data whether recorded by [six
11 specified means] or other means" "and all drafts and summaries thereof" "and any
12 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
13 1001 of the Federal Rules of EVIDENCE" and to the extent it states all copies "must be
14 produced" where "a document was prepared and several copies were made or if additional
15 copies were thereafter made." Plaintiff objects to this Request to the extent it seeks production
16 of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they
17 are not in Plaintiff's possession, custody and control, are or should be in Defendant's or its co-
18 defendants' possession, custody, or control; and/or are or should be available to Defendant and
19 more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
20 expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not
21 relevant and/or not proportional to the need of the case, considering, Plaintiff's limited resources
22 and Kirkland's virtually limitless resources, the parties' relative access to relevant information,
23 including because the sought discovery is should be in Kirkland's or its co-defendants'
24 possession, custody, or control, the importance of the discovery sought from Plaintiff in
25 resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs
26 its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly,
27 overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs

1 of the case, and a seeking discovery outside the scope of discovery permitted or required under
2 the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll
3 DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require
4 Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R.
5 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E).
6 Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad,
7 oppressive and as seeking discovery that is not relevant, proportional to the needs of the case,
8 and a seeking discovery outside the scope of discovery permitted under the Federal Rules of
9 Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to
10 the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written,
11 recorded or graphic material, however produced or reproduced and all other tangible objects,
12 including, but not limited to,” 76 enumerated categories, in addition to “all other data whether
13 recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and
14 any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and
15 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
16 produced” where “a document was prepared and several copies were made or if additional
17 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
18 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
19 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
20 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
21 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
22 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
23 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
24 and government and government agency of every nature or type”; and/or to the extent this
25 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
26 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
27 envelopes, explanatory notes or memoranda, and any other material that accompanied the

document(s)” and “[i]f the specific document elicited a response, that response is also to be identified and produced” and “[i]f the document was itself a response, the document to which it responded is also to be identified and produced.”

Plaintiff intends to produce electronically stored information in a reasonably usable form.

Plaintiff objects to this Request as seeking discovery outside the scope permitted under the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is privileged and/or otherwise protected, including without limitation by attorney-client privilege, psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501. Plaintiff also objects to this Request to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work product, or that is protected by any other applicable privilege or protection, including without limitation the psychotherapist-patient privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as premature to the extent it seeks Plaintiff’s legal contentions, and/or the disclosure of expert opinion and testimony in advance of any deadlines that will be set forth by the Court in this case or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by agreement among the parties. The Court has not yet entered a scheduling order in this case.

Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive to the extent it seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” a statement in a non-operative complaint because this Request seeks discovery that is neither relevant to any party’s claim or defense nor proportional to the needs of the case and thus seeks discovery outside the scope permitted by the Federal Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).

Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll DOCUMENTS” and “EVIDENCE,” incorporates or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2, because this Request seeks discovery not limited to the relevant time period regarding the facts at issue in this litigation. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

Subject to and without waiver of these objections and Plaintiff’s General Objections, Plaintiff responds as follows:

The Court has not yet entered a scheduling order in this case; the Court has not set a date for the close of discovery. Plaintiff’s reasonable investigation and reasonable search for responsive, relevant documents that are neither privileged nor otherwise protected is ongoing, and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this Request as this action and discovery proceed. Plaintiff reserves all rights to move to quash, for a protective order, seek sanctions, and seek any other available relief related to Defendant’s Requests and other attempted discovery about Plaintiff’s prior employment, including but not limited to with respect to Defendant’s non-party subpoenas.

REQUEST FOR PRODUCTION NO. 202:

All DOCUMENTS that EVIDENCE YOUR prior employment with Fish & Richardson, P.C., including but not limited to, YOUR employment application, resume, offer letter, acceptance letter, employment contracts and/or agreements, documents relating to the termination of YOUR employment, documents relating to change of title or duties, documents related to YOUR compensation and benefits, notices of commendation, leaves of absence, wage attachment or garnishment notices, performance appraisals and/or reviews, attendance and absence records, promotion and/or demotion recommendations, and documents related to complaints filed by or against YOU.

RESPONSE TO REQUEST FOR PRODUCTION 202:

In addition to the foregoing General Objections, each of which is specifically incorporated by reference here, Plaintiff specifically objects to this Request as overly broad, unduly burdensome, and oppressive, as seeking discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and that is not proportional to the needs of this case, and as seeking discovery outside the permissible scope under the Federal Rules and/or other applicable law.

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law to the extent this Request seeks discovery that is cumulative or duplicative of discovery sought in other Requests. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); *see also, e.g.*, Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff further objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks discovery that is cumulative and/or duplicative to the extent this Request seeks “[a]ll” “DOCUMENTS,” “EVIDENCE,” and “[a]ll DOCUMENTS that EVIDENCE” statements in a non-operative complaint, incorporates or relies on Kirkland’s definition of “DOCUMENT(S)” and/or of “EVIDENCE,” and incorporates or relies on Instruction Nos. 1 and 2. *See, e.g.*, Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(g)(1)(B)–(C).

Plaintiff objects to this Request as overly broad, unduly burdensome, and oppressive and as seeking discovery outside the scope permissible under the Federal Rules of Civil Procedure and/or other applicable law because it seeks to impose obligations exceeding those prescribed in the Federal Rules of Civil Procedure and/or other applicable law, e.g., with respect to production of electronically stored information, to the extent this Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE” and incorporates or relies on Kirkland’s definitions of

1 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2. *See, e.g.,* Fed. R.
2 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 34(b)(2)(E); Fed. R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P.
3 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1); *see also, e.g.,* Fed. R. Civ. P. 34(b)(2)(D). Plaintiff
4 objects to this Request to the extent it seeks production of electronically stored information
5 exceeding the scope required to be produced under the Federal Rules of Civil Procedure and/or
6 other applicable law. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R.
7 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent
8 it seeks production of electronically stored information that is unreasonably cumulative or
9 duplicative. *See* Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request to the extent it
10 seeks production of electronically stored information that is or can be obtained from some other
11 source that is more convenient, less burdensome, or less expensive e.g., from Kirkland or its co-
12 Defendants. Fed. R. Civ. P. 26(b)(2)(C)(i). Plaintiff objects to this Request because it seeks
13 production of electronically stored information that exceeds the scope of discovery permitted by
14 Federal Rule of Civil Procedure 26(b)(1), for example by seeking discovery of electronically
15 stored information that is duplicative and/or cumulative of other sought discovery, privileged,
16 not relevant to any party’s claim or defense, and/or not proportional to the needs of the case,
17 considering the importance of the issues at stake in the action, the amount in controversy, the
18 parties’ relative access to relevant information, including Kirkland’s access to relevant
19 information because relevant information sought is or should be in Kirkland’s possession,
20 custody, or control; the parties’ resources, including Kirkland’s vast and expanse resources and
21 Plaintiff’s limited resources; the importance of the discovery in resolving the issues, including
22 the at most de minimis importance of cumulative and duplicative discovery requested ad
23 infinitum by Kirkland; and the burden or expense of the proposed discovery vastly outweighs its
24 likely benefit. *See* Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff objects to
25 this Request to the extent it seeks production of electronically stored information that is not in
26 Plaintiff’s possession, custody, or control; that is or should be in Defendant’s or its co-
27 defendants’ possession, custody, or control; and/or that is or should be available to Defendant

1 and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and
2 expense. Plaintiff further objects to this Request because it seeks production of electronically
3 stored information, including seeking discovery of duplicative and/or cumulative electronically
4 stored information, including without limitation to the extent this Request seeks “[a]ll”
5 “DOCUMENTS” that “EVIDENCE,” incorporates and/or relies on Kirkland’s definitions of
6 “DOCUMENT(S)” and “EVIDENCE” and/or on Instruction Nos. 1 and 2, that is not reasonably
7 accessible because of undue burden and/or undue cost. Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P.
8 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (ii); Fed. R. Civ. P. 34(b)(2)(B); Fed. R. Civ. P.
9 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E). Plaintiff will not provide discovery of electronically
10 stored information from sources that are not reasonably accessible because of undue burden or
11 cost, e.g., to the extent the Request seeks “[a]ll” “DOCUMENTS” that “EVIDENCE,”
12 incorporates and/or relies on Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE”
13 and/or on Instruction Nos. 1 and 2, and the sought discovery is duplicative and/or cumulative, to
14 the extent Kirkland’s definitions of “DOCUMENT(S)” and “EVIDENCE” include sources that
15 are not reasonably accessible because of undue burden or cost. Fed. R. Civ. P. 26(b)(2)(B); Fed.
16 R. Civ. P. 26(b)(2)(C)(i); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(1). Plaintiff
17 objects to this Request to the extent it seeks production of electronically stored information in
18 more than one form and/or in a form that would cause undue burden or expense to Plaintiff. *See,*
19 *e.g.,* Fed. R. Civ. P. 34(b)(2)(D); Fed. R. Civ. P. 34(b)(2)(E)(iii); Fed. R. Civ. P. 26(b)(2)(B).
20 Plaintiff objects to this Request to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent
21 “DOCUMENT(S)” “means and includes, but is not limited to” “any and all written, recorded or
22 graphic material, however produced or reproduced and all other tangible objects, including, but
23 not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six
24 specified means] or other means” “and all drafts and summaries thereof” “and any
25 DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and Rule
26 1001 of the Federal Rules of EVIDENCE” and to the extent it states all copies “must be
27 produced” where “a document was prepared and several copies were made or if additional

copies were thereafter made.” Plaintiff objects to this Request to the extent it seeks production of copies that are not reasonably accessible to Plaintiff due to undue burden or cost because they are not in Plaintiff’s possession, custody and control, are or should be in Defendant’s or its co-defendants’ possession, custody, or control; and/or are or should be available to Defendant and more readily obtained by Defendant without subjecting Plaintiff to unreasonable burden and expense. Plaintiff objects to this Request to the extent it seeks production of copies that are not relevant and/or not proportional to the need of the case, considering, Plaintiff’s limited resources and Kirkland’s virtually limitless resources, the parties’ relative access to relevant information, including because the sought discovery is should be in Kirkland’s or its co-defendants’ possession, custody, or control, the importance of the discovery sought from Plaintiff in resolving the issues, and/or whether the burden or expense of the proposed discovery outweighs its likely benefit. Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted or required under the Federal Rules of Civil Procedure and/or other applicable law to the extent it requests “[a]ll DOCUMENTS,” which includes “all drafts and summaries thereof” and purports to require Plaintiff to create drafts and summaries of documents. *See, e.g.,* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); Fed. R. Civ. P. 34(b)(2)(D)–(E). Plaintiff further objects to this Request as unduly burdensome, unduly costly, overly broad, oppressive and as seeking discovery that is not relevant, proportional to the needs of the case, and a seeking discovery outside the scope of discovery permitted under the Federal Rules of Civil Procedure and/or other applicable law to the extent it seeks “[a]ll” “DOCUMENTS,” to the extent “DOCUMENT(S)” “means and includes, but is not limited to: any and all written, recorded or graphic material, however produced or reproduced and all other tangible objects, including, but not limited to,” 76 enumerated categories, in addition to “all other data whether recorded by [six specified means] or other means” “and all drafts and summaries thereof” “and any DOCUMENTS within the scope of Rule 34 of the Federal Rules of Civil Procedure and

1 Rule 1001 of the Federal Rules of EVIDENCE,” to the extent it states all copies “must be
2 produced” where “a document was prepared and several copies were made or if additional
3 copies were thereafter made”; to the extent it seeks “DOCUMENT(S),” including the foregoing
4 description, “[w]hether such DOCUMENTS were prepared for YOU, for YOUR own use, or for
5 transmittal in any manner or received by any means by YOU” and/or “[w]herever such
6 DOCUMENTS are located in YOUR possession, custody, or control,” including to the extent
7 “YOU” and “YOUR” includes “any other PERSON representing” Plaintiff “or acting on her
8 behalf,” and/or to the extent “PERSON” means “any natural person, firm, entity, corporation,
9 partnership, proprietorship, association, joint venture, other form of organization or arrangement,
10 and government and government agency of every nature or type”; and/or to the extent this
11 Request seeks “DOCUMENT(S),” including the foregoing descriptions, and “[t]he requested
12 DOCUMENTS each include all attachments to the specifically described DOCUMENTS, all
13 envelopes, explanatory notes or memoranda, and any other material that accompanied the
14 document(s)” and “[i]f the specific document elicited a response, that response is also to be
15 identified and produced” and “[i]f the document was itself a response, the document to which it
16 responded is also to be identified and produced.”

17 Plaintiff intends to produce electronically stored information in a reasonably usable form.

18 Plaintiff objects to this Request as seeking discovery outside the scope permitted under
19 the Federal Rules of Civil Procedure and/or other applicable law by seeking discovery that is
20 privileged and/or otherwise protected, including without limitation by attorney-client privilege,
21 psychotherapist-patient privilege, work-product doctrine, and/or privacy right(s) held by
22 Plaintiff and/or a third party. Fed. R. Civ. P. 26(b)(4)(B); Fed. R. Civ. P. 26(b)(4)(C); Fed. R.
23 Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P. 26(b)(3)–(4); Fed. R. Evid. 501.
24 Plaintiff also objects to this Request to the extent it seeks information that is protected by the
25 attorney-client privilege, that constitutes attorney work product, or that is protected by any other
26 applicable privilege or protection, including without limitation the psychotherapist-patient
27 privilege or protections arising from privacy right(s). Plaintiff further objects to this Request as
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1 overly broad, unduly burdensome and costly, and oppressive and as subjecting Plaintiff to undue
2 cost to the extent it incorporates Instruction No. 2. Plaintiff further objects to this Request as
3 premature to the extent it seeks Plaintiff's legal contentions, and/or the disclosure of expert
4 opinion and testimony in advance of any deadlines that will be set forth by the Court in this case
5 or that are imposed by the Federal Rules of Civil Procedure and/or other applicable law or by
6 agreement among the parties. The Court has not yet entered a scheduling order in this case.

7 Plaintiff further objects to this Request as overly broad, unduly burdensome, and
8 oppressive to the extent it seeks "[a]ll" "DOCUMENTS," "EVIDENCE," and "[a]ll
9 DOCUMENTS that EVIDENCE" a statement in a non-operative complaint because this
10 Request seeks discovery that is neither relevant to any party's claim or defense nor proportional
11 to the needs of the case and thus seeks discovery outside the scope permitted by the Federal
12 Rules of Civil Procedure and/or other applicable law. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R.
13 Civ. P. 26(b)(2)(B); Fed. R. Civ. P. 26(b)(2)(C)(i) & (iii); *see also* Fed. R. Civ. P. 34(b)(2)(E).
14 Plaintiff further objects to this Request as overly broad, unduly burdensome and costly, and
15 oppressive and as seeking discovery outside the scope permissible under the Federal Rules of
16 Civil Procedure and/or other applicable law to the extent it seeks "[a]ll DOCUMENTS" and
17 "EVIDENCE," incorporates or relies on Kirkland's definitions of "DOCUMENT(S)" and
18 "EVIDENCE," and incorporates or relies on Instruction Nos. 1 and 2, because this Request
19 seeks discovery not limited to the relevant time period regarding the facts at issue in this
20 litigation. *See, e.g.*, Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(b)(2)(C)(iii); Fed. R. Civ. P.
21 26(c)(1); Fed. R. Civ. P. 26(b)(2)(B); *see also* Fed. R. Civ. P. 26(g)(1)(B)–(C).

22 Subject to and without waiver of these objections and Plaintiff's General Objections,
23 Plaintiff responds as follows:

24 The Court has not yet entered a scheduling order in this case; the Court has not set a date
25 for the close of discovery. Plaintiff's reasonable investigation and reasonable search for
26 responsive, relevant documents that are neither privileged nor otherwise protected is ongoing,
27 and Plaintiff reserves all rights to amend, modify, and/or supplement her response to this

1 Request as this action and discovery proceed. Plaintiff reserves all rights to move to quash, for
2 a protective order, seek sanctions, and seek any other available relief related to Defendant's
3 Requests and other attempted discovery about Plaintiff's prior employment, including but not
4 limited to with respect to Defendant's non-party subpoenas.

5
6 Dated: November 8, 2023

/s/ Zoya Kovalenko
Zoya Kovalenko (Cal. SBN 338624)
13221 Oakland Hills Blvd., Apt. 206
Germantown, MD 20874
678 559 4682
zoyavk@outlook.com
Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this November 8, 2023, a true and correct copy of Plaintiff's Objections and Responses to Defendant Kirkland & Ellis LLP's Request for Production of Documents to Plaintiff, Set One was served via email on all counsel of record.

Dated: November 8, 2023

/s/ Zoya Kovalenko
Zoya Kovalenko (Cal. SBN 338624)
13221 Oakland Hills Blvd., Apt. 206
Germantown, MD 20874
678 559 4682
zoyavk@outlook.com
Plaintiff